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Planning Commission Resolution No. 21-023

**Before the Planning Commission in and for the
County of Monterey, State of California**

In the matter of the application of:

RANCHO CAÑADA VENTURES LLC (PLN040061-AMD1)

RESOLUTION NO. 21-023

Resolution by the Monterey County Planning Commission making recommendation to Board of Supervisors to:

- 1) Certify the Rancho Cañada Village Environmental Impact Report;
- 2) Adopt CEQA Findings and a Statement of Overriding Considerations;
- 3) Adopt a zoning ordinance; and
- 4) Approve a Combined Development Permit for the Rancho Cañada Village “Increased Unit, Greater Affordability Project” (refinement of Alternative 6B of the FEIR), for a total of 145 units, including 20% inclusionary (twenty-eight units affordable to moderate income households) and approximately 8% Workforce Housing I (six units affordable to households earning between 120% and 150% of County median income) and II (six units affordable to households earning between 150% and 180% of County median income), with the Combined Development Permit consisting of:
 - a) Vesting Tentative Map subdividing 77 acres into 106 residential lots with common areas and roadways, and approximately 38-acres of habitat preserve on two Open Space lots;
 - b) A blanket Administrative Permit (Site Plan Approval) allowing development on 93 single family residential lots (parcels to be zoned Medium Density Residential), 12 townhomes, and 40 units of affordable/workforce housing (parcels to be zoned High Density Residential) within the S Site Plan Review Zoning Overlay District;
 - c) An Administrative Permit for development within the S District of a 1.5 acre community park and 8.6 acres of common areas, grading of up to 220,000 cubic yards and infrastructure installation, including installation of a below-grade drainage pipe and culvert to improve area-wide flood control and drainage.

- d) Use Permit for development in the Carmel Valley Floodplain; and
- e) Use Permit for removal of up to 37 trees.
- 5) Adopt a Mitigation Monitoring and Reporting Plan.
- 6) Recommend that staff work with the applicant in response to applicant's requests for modification of conditions of approval stated in their June 8, 2021 letter.

[Carmel Valley, located on the south side of Carmel Valley Road approximately 0.6 miles east of Highway 1,
APNs: 015-162-009-000, 015-162-017-000, 015-162-025-000, 015-162-026-000, 015-162-040-000, 015-162-048-000, 015-162-049-000; and portions of 015-162-043-000 and 015-162-051-000.]

The Rancho Cañada Village application (PLN040061-AMD1) came on for public hearing before the Monterey County Planning Commission on May 5 and June 9, 2021. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:

FINDINGS

- 1. FINDING: PROJECT DESCRIPTION AND CONSISTENCY** – The project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.
- EVIDENCE:** a) The Project includes a Vesting Tentative Map (VTM) subdividing 77 acres into 106 residential lots to allow for 93 single family homes and 12 townhouse lots on approximately 23.5 acres, and 40 affordable units on a proposed 5 acre parcel and entitlements to develop the lots (hereafter the “Project”). The proposed project is a refinement of the Increased Unit, Greater Affordability Alternative (Alternative 6B) in the FEIR in that it specifies 40 affordable units at the following distribution of affordability: twenty-eight units of moderate income housing, six units of Workforce I and six units of Workforce II housing. The Project occupies an approximately 77-acre area of the former West Course of the Rancho Canada Golf Club (“Project”). To fully develop the Project, the applicant, Rancho Canada Ventures LLC, will require approval of Subdivision Map and Combined Development Permit for development in the Carmel River Floodplain, tree removal (up to 37 native trees would be removed), and grading (no imported fill material is proposed) and infrastructure installation. Residential lots and roadways are to make up approximately 28.5

acres of the site; approximately 48 acres of the site are proposed as open space in the form of habitat conservation, a park and common areas. The Vesting Tentative Subdivision Map includes these 106 residential lots and fifteen parcels for roadway, open space and common area purposes serving the residential subdivision. The Project includes Administrative permits for the Site Plan Approvals of the new houses, community park and common areas, and infrastructure installation.

The entire Project site is designated Public/Quasi-Public (P/Q-P) by the *Monterey County 2010 General Plan*, with a Special Treatment Area designation allowing for residential development. The subject site is in the P/Q-P Zoning District, consistent with its General Plan land use designation and the site's long-time past use as a public golf course. Approval of the Project requires a General Plan Amendment (amending CVMP Policy CV-1.27 addressing affordable housing unit requirements) and rezoning for consistency with the proposed densities and uses of the Project parcels.

- b) The Project area is located on the south side of Carmel Valley Road, approximately 0.6 miles east of State Highway 1, on the former West Course of the Rancho Canada Golf Club, Carmel Valley. The Project consists of or includes portions of Assessor Parcel Numbers (APNs): 015-162-009-000, 015-162-017-000, 015-162-025-000, 015-162-026-000, 015-162-040-000, 015-162-048-000, 015-162-049-000, 015-162-043-000 and 015-162-051-000. The site is within the Carmel Valley Master Plan area. The owner of the real property on which the proposed development is located is Lombardo Land Group 1. The applicant for the development is Rancho Canada Venture LLC ("RCV"). The proposed vesting tentative map proposes to adjust the common lot boundary between the proposed development site and park land owned by the Monterey Peninsula Regional Park District to the east of the development site. Accordingly, MPRPD is an applicant only as relates to the reconfiguration of the boundary line
- c) During the course of review of this application, the Project has been reviewed for consistency with the text, policies, and regulations in the:
- 2010 Monterey County General Plan;
 - Greater Monterey Peninsula Area Plan;
 - Carmel Valley Master Plan (CVMP);
 - Monterey County Zoning Ordinance (Title 21);
 - Monterey County Inclusionary Housing Ordinance (Chapter 18.40 of Title 18); and
 - Subdivision Ordinance (Title 19 (non-coastal)).

The Project is subject to the 2010 General Plan. The project application was deemed complete in August 2005. Per the Subdivision Map Act, the application is subject to the ordinances, policies, and standards in effect at the date the application was deemed complete; however, as an exception to that rule, "if the subdivision applicant requests changes in applicable ordinances, policies or standards in connection with the same development project, any ordinances,

policies or standard adopted pursuant to the applicant's request shall apply." (Government Code sec. 66474.2.) The Project would need an amendment to the land use designation of the 1982 General Plan if the 1982 General Plan were to apply to the project. Instead, as is allowable under the Map Act, the applicant has elected to come under the 2010 General Plan Special Treatment Area Policy with a proposed amendment to modify the requirement for a minimum of 50% affordable/workforce housing to 20% affordable housing; therefore, County is applying the 2010 General Plan to this project. With that amendment, the Project is consistent with the 2010 General Plan/CVMP. A rezoning of the site from Public/Quasi-Public (P/Q-P) to HDR High-Density Residential, MDR Medium-Density Residential and O Open Space to conform to the General Plan Special Treatment Area, is also proposed. The proposed General Plan amendment is as follows (changes shown in strikethrough/italics):

Special Treatment Area: Rancho ~~Canada~~ Cañada Village – Up to 40 acres within properties located generally between Val Verde Drive and the former Rancho Cañada Golf Course, from the Carmel River to Carmel Valley Road, excluding portions of properties in the floodplain shall be designated as a Special Treatment Area. Notwithstanding any other General Plan policies, residential development may be allowed with a density of up to 10 units/acre in this area with a minimum ~~50~~20% affordable/~~Workforce~~ housing. Prior to beginning new residential development (excluding the first unit on an existing lot of record), projects must address environmental resource constraints (e.g.; water, traffic, flooding). (APNs: ~~015-162-009-000, 015-162-017-000, 015-162-025-000, 015-162-026-000, 015-162-040-000, 015-162-039-000~~ 015-162-048-000, 015-162-049-000, 015-162-043-000 and 015-162-051-000 ~~015-162-033-000, 015-162-035-000, 015-162-036-000, 015-162-037-000, 015-162-038-000, 015-021-005-000~~).

The Project meets and exceeds the level of affordable housing required by the amendment to Carmel Valley Master Plan CV-1.27, which requires a minimum of 20% affordable housing. The Project has approximately 28% affordable housing, including the 28 moderate income units, 6 Workforce I units, and 6 Workforce II units..

- d) The total area of the Project site is approximately 77 acres, 38.5 acres of which, adjacent to the Carmel River, is designated as permanent open space and conservation uses, leaving 38.5 acres for residential use and common areas serving the residential lots. In the area planned for single family residential lots, the Project is consistent with the CVMP Special Treatment Area and proposed MDR/3 Medium-Density Residential Zoning District with a not to exceed a density of 3 units/acre. Parcels C and P, to be developed with 12 townhouses, totals 2.7 acres in size and is proposed to be rezoned to HDR/5 High Density Residential. The 5-acre affordable housing parcel (Parcel A) will be built at a higher density; therefore, it is proposed to be rezoned

HDR/10 High Density Residential. A fourth zoning district of O Open Space is proposed for common areas, conservation areas and the parcels containing the wells. Like other Carmel Valley properties, the Project site is presently in the S Site Plan Review and D Design Control overlay Zoning Districts. The proposed rezoning of the Project site does not propose to alter the S or D overlays. However, a table of recommended special setbacks and site treatment was developed for the MDR and HDR portions of the project. The proposed zoning ordinance to update the text and zoning map is attached to this resolution as Exhibit B2 and is proposed to become operative only, if and when, the Subdivision Map is recorded. The Project would be consistent with zoning if the zoning ordinance is adopted. Accordingly, the actions by the Planning Commission herewith include recommendation to the Board of Supervisors to adopt the zoning ordinance in the same or substantially the same form as the attached ordinance.

Due to the existing Special Treatment Area (CV 1.27), which allows residential development, the Project is consistent with the General Plan land use designation. The accompanying actions with the Project includes an amendment to modify the text of the Special Treatment Area solely to address the issue of the required amount of affordable/workforce housing, reducing the requirement from 50% affordable/workforce to 20% affordable, notwithstanding any other General Plan policies. Therefore, the Project is consistent with the General Plan relative to land use.

The proposed Combined Development Permit includes a subdivision and a Combined Development Permit for development in the Carmel River Floodplain, tree removal, and grading and infrastructure installation. With approval of these entitlements as well as the General Plan amendment and rezoning, the Project is consistent with the land use and zoning for the site.

- e) The Project is consistent with CVMP Policy CV-1.6. This Land Use Policy states that new residential subdivision in Carmel Valley shall be limited to creation of 190 new units. This residential unit cap was adopted in part to reduce environmental impacts such as those related to water supply and traffic, as well as open space preservation. The project will add 140 units to the unit count, as the site already contains five existing lots. The addition of 140 units does not surpass the total allowable units for Carmel Valley. The Project would not result in significant impacts to water supply or open space preservation (the project would actually increase the amount of open space open to the public). The Project would result in certain significant and unavoidable traffic impacts inside and outside Carmel Valley. The Project would contribute to cumulatively significant traffic impacts on Carmel Valley Road and SR 1. The Project, if approved, would leave a remaining 19 units for new development. Thus, the Project would

not result in a higher level of housing or population growth in the CVMP area than anticipated in the adopted CVMP.

- f) The Project site is located between the Carmel Valley Road and the Carmel River east of Val Verde Road at the mouth of Carmel Valley. The site is bordered by residentially-developed and designated (though undeveloped) properties to the west, parkland and open space to the south, the MPRPD Palo Corona Regional Park (formerly the East Course of the Rancho Canada Golf Club) to the east, and the Carmel Middle School and a church to the north. The site will take access from Carmel Valley Road, the principal east-west corridor in the area and is near (0.6 miles) Highway 1, the major north-south corridor in the area. Significant commercial development lies west of the Project site, abutting Highway 1.
- g) The applicant is requesting approval of Increased Unit, Greater Affordability Alternative (Alternative 6B) as described in the Second Final EIR, refined to a total of 145 units. (See April 23, 2021 letter from Remy Moose Manley to Mary Israel, attached to the staff report to the Planning Commission.) As conveyed in a letter to the Planning Commission from Remy Moose Manley dated May 26, 2021, the applicant is also requesting approval of the Rancho Cañada Village FEIR's Increased Unit, Greater Affordability Alternative (Alternative 6B) project with a total of 145 units further refined to include 40 affordable units at the distribution of affordability of twenty-eight units of moderate income housing, six units of Workforce I and six units of Workforce II income level housing (herein referred to as "Project").

RCV is pursuing this project application following litigation challenging the County's 2016 certification of an EIR and approval of entitlements for a 130-unit project (*Carmel Valley Ass'n, Inc. v. County of Monterey*, Monterey Superior Court Case no. 17CV000131). The 2016 EIR evaluated a proposed 281-unit project and evaluated a 130-unit project alternative at the same level of detail as the 281-unit project. In the litigation, the Monterey Superior Court held that the EIR's project description was legally inadequate because the 130-unit project, not the 281-unit project, was the "true project." The court also found that the alternatives analysis was legally inadequate because it did not contain a reasonable range of alternatives to the 130-unit project. The applicant and County appealed the decision, and the Carmel Valley Association cross appealed. Pending the appeal, the applicant requested that the County prepare and circulate an EIR to correct these specific legal inadequacies identified by the court. On May 19, 2021, the Court of Appeal issued its decision on the appeals, reversing the trial court and upholding the County's certification of the 2016 EIR and project approvals. Accordingly, if the Court of Appeal decision becomes final, the County's 2016 General Plan amendment, rezoning and grant of entitlements for the project are valid. The applicant has requested

that the County continue to process the Second Revised EIR and the 145 unit project, and thus the Planning Commission has rendered this recommendation.

The County prepared and circulated a Second Revised Draft EIR, with limited revisions of the 2016 EIR to address the issues identified by the court order. The project description in the Second EIR is the 130-unit project --what had been the 130-unit alternative in the 2016 EIR-- with a modification to reflect that the project site no longer includes the 4.6-acre Lot 130 site located in the northeastern area of the former golf course because the former eastern golf course has since transferred to the Monterey Peninsula Regional Park District. Instead, a smaller single-family residential unit numbered 130 is included with the rest of the development (see Figure 2-4 in the Second Final EIR). The 130-unit residential subdivision consists of dividing approximately 76 acres into 118 single-family residential parcels; one condominium parcel with 12 condominium lots/units; and seven parcels for roadway, open space and common area purposes serving the residential subdivision (hereafter referred to as “130-unit project”). Because the 130-unit project would include one additional small lot single family unit (50’ x125’) instead of the large lot single family unit (4.6 acres) previously proposed on Lot 130, the total Project acreage was therefore reduced to approximately 77 acres.

The 130-unit project proposes affordable housing in the form of 25 moderate income level units, and that was not supported by the Carmel Valley Land Use Advisory Committee (LUAC) or the Monterey County Housing Advisory Committee (HAC) in their reviews of the project in January and February of 2021. The 130-unit project was presented to the LUAC on February 16, 2021, at which time the LUAC voted to recommend support of the project if designed to include the 2010 General Plan affordable housing requirements (4 to 1 vote, 1 absent).

The HAC discussed the remanded project at their meetings on January 13 and February 17, 2021. During the discussion, a recommendation from the public to ask the applicant to set aside a five-acre parcel for CVA to work with an affordable housing non-profit to better meet inclusionary housing requirements was repeated and commended by committee members. The HAC voted at the February 17th meeting to recommend support of the project if staff can work with the applicant on a design that would better reach 35% affordable housing set by the County’s Inclusionary Housing Ordinance and GP affordable housing policies, with flexibility to increase the total number of units to address the economic feasibility of increasing the percentage of affordable units (4 to 1 vote, 1 absent). RCV considered the community input at the LUAC and HAC meetings, and returned to County with an additional alternative to increase affordable housing by over 8% within the same project footprint. The Project (refined Alternative 6B) increases the affordable housing unit count to 40,

raising the affordable housing percentage to 28.56%. The applicant proposed a distribution of twenty-eight units of moderate income housing plus six units of Workforce I and six units of Workforce II. The Second Final EIR included and analyzed the Increased Unit, Greater Affordability Alternative (Alternative 6B), which included a range of 40-50 affordable units (for a total project unit number of 145 to 155 units), without specifying the exact distribution of the affordable units. The FEIR concluded that Alternative 6B did not require supplemental environmental analysis because it did not result in new significant impacts or increase in severity in environmental impacts. The proposed Project is within the number of units and footprint in Alternative 6B analyzed by the FEIR.

- h) The project, as proposed and conditioned, is consistent with the provisions of General Plan Policy LU-1.19. Given the Project's location in Carmel Valley, it is outside of a Community Area, Rural Center or Affordable Housing Overlay, the areas specified as exempt from Policy LU-1.19. The Project is being considered in advance of adoption of procedures to implement the Development Evaluation System (DES), so County has applied the DES evaluation criteria listed in the General Plan policy. This project meets the evaluation criteria set forth in Policy LU-1.19, except for not providing a minimum 35% affordable/workforce housing. Based on the specific facts associated with this application it is determined that the project would pass the DES, if a pass/fail scoring system were in place. 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.”

The Project is consistent with the specified DES criteria, if the criteria are deemed to apply to an infill location of the nature of a public golf course that has been developed for over 40 years. The one potential area of inconsistency between the Project and the DES is the proportion of affordable housing included. In areas subject to the DES, the DES calls for new residential development to provide “35% affordable/Workforce housing,” or 10% more than General Plan Policy LU-2.13. However, as discussed, above, this inconsistency is resolved by the amendment of CVMP Policy CV-1.27 to require only 20% affordable housing, notwithstanding any other General Plan policy. The Project now requested by the Applicant proposes 28.56% affordability (ratio of 40 affordable/workforce units out of 140 units; the percentage is calculated based on 140 lots, subtracting the existing five lots from the total).

Policy LU-1.19’s criteria of “site suitability,” “proximity to cities and communities,” and “multiple modes of transportation,” the project’s location at the mouth of Carmel Valley, near a mix of commercial development and immediately adjacent to higher-density housing, makes the site suitable for residential development. Trails and a pedestrian and bicycle friendly access to the commercial areas to the west, where MST bus and shuttles frequently stop and bus stops within a quarter mile distance on Carmel Valley Road diversify the modes of transportation available to potential residents. The site’s location also provides direct vehicular access to Carmel Valley Road, the principal east-west transportation corridor through the valley, and efficient access to Highway 1, the major north-south transportation corridor 0.6 miles west of the proposed RCV site. Additionally, the nearby Monterey Peninsula communities of Carmel-by-the-Sea, Pacific Grove and Monterey are within short travel distance of the site and offer a wide range of commercial and personal services, employment opportunities and, alternate modes of transportation, including bus access, bicycling and walking.

Regarding “infrastructure and services,” the site’s location in the more intensely developed mouth of the Valley makes it a suitable location to more efficiently connect to other necessary infrastructure, such as sewer, and to be more conveniently served by existing services, such

as fire, police and schools. The Project also has access to a water supply, as Cal-Am is proposed to serve the Project. (See Finding 14.)

Regarding the criteria “mix/balance of uses” and “jobs-housing balance,” the Project proposes a significant amount of much-needed housing at the mouth of the Valley. As discussed, the Project is subject to the County’s Inclusionary Housing Program, and through the mix of housing types (i.e., small-lot single-family detached and townhouses) proposed should be “affordable by design” relative to the large-lot, single-family detached residences more characteristic of Carmel Valley. A portion of Project’s proposed units would be subject to rental restriction, ensuring long-term affordability based on income category (such as very low, low, moderate or workforce), which would improve the jobs-housing balance in a mix of affordability. As stated by the applicant, due to the significant reduction in housing units from the original 281-unit Project, the Project would not, however, meet the “35% affordable/workforce” housing criteria specified in Policy LU-1.19. By adopting the proposed General Plan Amendment, modifying the Special Treatment Area to allow for a minimum provision of 20% affordable housing, notwithstanding any other General Plan policies, this inconsistency is resolved. Under the proposed General Plan amendment, all affordable units would be deed-restricted to be affordable which would result in needed affordable housing in Carmel Valley.

Finally, regarding “resource management” and “environmental impacts and potential mitigations,” the Project would create a residential development compatible with the park land that is now in the former East Golf Course and the park and open space land to the south. The Project would add native landscaping, trails and natural-looking ponds to accommodate onsite drainage and benefit wildlife. A NOAA National Marine Fisheries Service (NOAA Fisheries) comment letter received on May 5, 2021 expressed concern with the drainage plan design pertaining to potential impacts to steelhead (*Oncorhynchus mykiss*), a species of fish listed as threatened by the Endangered Species Act. The applicant agreed to include NOAA Fisheries in the review of the drainage plan to best protect this species. With the update to condition number 42, Drainage improvement study, to better coordinate with condition number 79, BIO-18 Rescue Steelhead if stranded in site basin during high-flow events, the Project would be compatible. (See also Finding 10, evidence f.)

In summary, when considered in relation to the DES criteria specified in General Plan Land Use Policy LU-1.19 and with the proposed General Plan amendment, the Project is consistent.

- i) Chapter 18.40 of Monterey County Code (Inclusionary Housing) requires 20% of new housing units to be affordable to very low, low and moderate-income households (to be distributed 8% moderate, 6% low, 6% very-low, unless specific findings are made to change this

distribution). In general, and subject to state law to the extent preempted by state law, new development of three or more units/lots must meet the requirement of the Inclusionary Housing Ordinance, and new developments with three to four units/lots can pay an in-lieu fee instead of providing an Inclusionary unit, while new development of five or more units/lots is required to provide Inclusionary Units.

MCC section 18.40.070 requires units to be built on-site unless they demonstrate greater contribution to County's affordable housing needs. In that case, units are to be located within same Planning Area (section 18.40.080). An in-lieu fee may be allowed if an applicant demonstrates that the conditions/characteristics of the project/site such as lack of access to services, zoning which requires large lot development, or potentially high site maintenance costs, make the site unsuitable (section 18.40.090).

Inclusionary housing requirements do not apply to existing lots. The Project site consists of five (5) existing lots. Consequently, the required inclusionary housing contribution is calculated based on the total proposed units, minus the existing five lots. In this case, one vacant lot is calculated to equate as one unit.

With 145 units proposed, the net difference is 140 units when subtracting the existing five lots. Using a 20% affordability ratio, the project is required to provide twenty-eight inclusionary. Unless the Board modifies the percentages based on the requisite finding supported by substantial evidence, the distribution would consist of 8% moderate (11.2 units), 6% low (8.4 units), and 6% very low (8.4 units). In a letter received by HCD-Planning on May 26, 2021 and provided to the Commission for its June 9 hearing, the applicant proposed the affordable housing units be provided at twenty-eight moderate (20%) plus six "Workforce housing I" and six "Workforce II" rental units. The Planning Commission recommends that the Board of Supervisors find that applicant has demonstrated that unusual circumstances exist to justify these proposed affordability levels for affordable housing. See Finding 16.

- j) As discussed in evidence g above, the Project was referred to the Carmel Valley LUAC for review on four occasions: May 2004 (original 281-unit Project only); September 21, 2015, February 1, 2016 and February 16, 2021 meetings. At the recent February 16, 2021 LUAC meeting the Project was presented and discussed in detail. Both the applicant and County staff attended the LUAC meetings, presented information and responded to questions from LUAC members and the public. At the conclusion of the February 16 meeting, the LUAC voted to recommend the Project to the Planning Commission and Board of Supervisors if the applicant would add enough affordable housing to meet the requirements of the General Plan.

- k) The Planning Commission held a duly noticed public hearing on the Project on May 5, 2021, at which time the applicant and members of the public had the opportunity to be heard. Following deliberation, the Commission continued the hearing to June 9, 2021 with direction to staff to conform the Inclusionary Housing distribution to 6% very low, 6% low, and 8% moderate and to revise the draft resolution to address more specifically the project alternative (refinement of Alternative 6B) recommended by staff.
- l) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development found in Project Files PLN040061 and PLN040061-AMD1.

2. FINDING: SITE SUITABILITY – The site is physically suitable for the use proposed.

- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: HCD-Planning; Cypress and Carmel Highlands Fire Protection Districts; Parks Department, HCD-Engineering Services on behalf of Public Works, HCD-Environmental Services; Environmental Health Bureau, Water Resources Agency; Economic Development Department (Housing); and Monterey County Sheriff's Office; Monterey Peninsula Water Management District; Transportation Agency of Monterey County; Monterey-Salinas Transit District; Caltrans; Carmel Unified School District; National Marine fisheries Service. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Standard and project-specific conditions of approval and mitigation measures to insure orderly development and compliance with current development standards have been attached to this resolution and are part of this project's approval.
 - b) Staff identified potential impacts to Aesthetics; Air Quality; Biological Resources; Cultural Resources; Geology, Seismicity, and Soils; Greenhouse Gas Emissions and Climate Change; Hazards and Hazardous Materials; Hydrology and Water Quality; Land Use; Noise; Population and Housing; Public Services, Utilities, and Recreation; and Transportation and Traffic, which could result from all components of the Project.
 - c) The project planner conducted site inspections in May and June 2015, when the West Course was operational, and in September 2016 and March 4, 2021 after the golf course ceased operation. The current project planner and County staff from Engineering Services on behalf of Public Works, Environmental Services, HCD-Housing and planning management conducted a site visit March 4, 2021. Through these visits, County staff verified that the project conforms to the plans listed above and is suitable for the proposed development and uses.

- d) The application, project plans, and related support materials submitted by the project applicant to the Monterey County HCD - Planning for the proposed development found in Project Files PLN040061 AND PLN040061-AMD1.

3. FINDING: HEALTH AND SAFETY / NO VIOLATIONS - The establishment, maintenance, or operation of the project applied for 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. The subject property is presently in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist on the property.

- EVIDENCE:**
- a) All necessary public facilities are available to the project site. The sewer service will be provided by the Carmel Area Wastewater District (CAWD) and water will be provided by the California American Water Company. Water and sewer are available to the site from Carmel Valley Road as well as gas, electric, telephone, and television utilities.
 - b) A residential project on an infill site that the General Plan considers for densities up to 10 units/acre is consistent with the land use pattern in the area and will not adversely affect the surrounding residential areas.
 - c) Staff conducted site inspections on May and June 2015 and September 2016 as well as March 4, 2021 and researched County records to assess if any violation exists on the subject property. Staff reviewed Monterey County HCD - Planning and Building Services records and is not aware of any violations existing on subject property, and there no known violations on the subject parcel.
 - d) The application, project plans, and related support materials submitted by the project applicant to the Monterey County HCD - Planning for the proposed development found in Project Files PLN040061 and PLN040061-AMD1.

4. FINDING: ENVIRONMENTAL REVIEW (EIR) –The Second Final Environmental Impact Report (EIR) for the Rancho Cañada Village Project, including the fully analyzed 130-unit Project and project alternatives, has been completed in compliance with the California Environmental Quality Act (CEQA); the Second Final EIR was presented to the County of Monterey Planning Commission, and the Planning Commission reviewed and considered the information contained in the EIR prior to recommending certification of the Final

EIR and approval of the Project; and the Planning Commission finds the EIR reflects the County of Monterey's independent judgment and analysis.

- EVIDENCE:**
- a) CEQA requires preparation of an environmental impact report if there is substantial evidence in light of the whole record that the Project may have a significant effect on the environment. The County prepared the Second Final EIR in response to a July 2018 Judgment and writ of mandate issued by Monterey Superior Court in litigation filed by Carmel Valley Association (*Carmel Valley Ass'n, Inc. v. County of Monterey*, Monterey Superior Court Case no. 17CV000131). The purpose of the Second Revised EIR was to correct the specific legal inadequacies identified by the court in compliance with the court order.
 - b) The draft Second Final EIR for the Rancho Cañada Village Project application (HCD-Planning File No. PLN040061-AMD1) was prepared in accordance with CEQA. The Second Revised Draft EIR (SRDEIR) for PLN040061-AMD1 was circulated for public review from June 22 through August 11, 2020 (SCH#: 2006081150).
 - c) Issues that were analyzed in the EIR include Aesthetics; Air Quality; Biological Resources; Cultural Resources; Geology, Seismicity, and Soils; Greenhouse Gas Emissions and Climate Change; Hazards and Hazardous Materials; Hydrology and Water Quality; Land Use; Noise; Population and Housing; Public Services, Utilities, and Recreation; and Transportation and Traffic. The EIR identified potential impacts that are either less than significant or can be mitigated to less than significant levels associated with Aesthetics; Air Quality; Biological Resources; Cultural Resources; Geology, Seismicity, and Soils; Greenhouse Gas Emissions and Climate Change; Hazards and Hazardous Materials; Hydrology and Water Quality; Land Use; Noise; Population and Housing; Public Services, Utilities, and Recreation; and Transportation and Traffic. The EIR also identified unavoidable significant impacts associated with Land Use and Transportation and Traffic that cannot be mitigated to less than significant levels. As described in these findings and in the Second Final EIR, the mitigation measures avoid or substantially lessen the significant environmental effects to less than significant levels (see Finding No. 6), or, for impacts identified as significant and unavoidable, all feasible mitigation measures have been incorporated, but even with such mitigation, the impacts remain significant.
 - d) Public review of the SRDEIR generated comments from the public and public agencies. The County responded to these comments and made clarifications and corrections to text of the SRDEIR. None of the revisions required recirculation of the SRDEIR. (See Finding 10.) Responses to comments and revisions to the SRDEIR constitute the Second Final EIR. The Second Final EIR made available to the public on April 19, 2021. Together, the SRDEIR, the revisions to the

SRDEIR, the comments of persons and organizations on the SRDEIR, the April 19, 2021 Second Final EIR containing responses to the comments constitute the Second Final EIR on the Project.

- e) Tribal consultation under Assembly Bill 52 (AB 52) was not required for this Project because the Notice of Preparation (NOP) for this project was issued on August 30, 2006. The requirement for tribal consultation pursuant to AB 52 is for projects that had an NOP issued on or after July 1, 2015. Consultation offers were made for the project to California American Native Tribes on July 16, 2008 pursuant to state law requiring tribal consultation for proposed General Plan amendments.
- f) All project changes required to avoid significant effects on the environment have been incorporated into the Project and/or are made conditions of approval. A Condition Compliance and Mitigation Monitoring and/or Reporting Plan has been prepared in accordance with Monterey County regulations and is designed to ensure compliance during Project implementation. The applicant must enter an “Agreement to Implement a Mitigation Monitoring and/or Reporting Plan” as a condition of Project approval.
- g) Pursuant to CEQA Guidelines Section 15088(b), upon finalizing the Second Final EIR and at least 10 days prior to the Board of Supervisors’ consideration of the Second Final EIR, the County notified those public agencies that submitted comments on the SRDEIR that a Second Final EIR is available for review and provides the proposed responses to the public agency comments. Staff did so by email on April 23, 2021 and by mail to those without email contact addresses on April 26, 2021.
- h) Evidence that has been received and considered includes: the application, technical studies/reports (see Finding No. 2, Site Suitability), staff report that reflects the County’s independent judgment, and information and testimony presented during public meetings and hearings (as applicable). These documents are on file in HCD-Planning (File No. PLN040061-AMD1) and are hereby incorporated by reference.
- i) Monterey County HCD-Planning, located at 1441 Schilling Place South, 2nd Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to certify the Second Final EIR will be based.

5. FINDING: POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS IDENTIFIED IN THE EIR THAT ARE REDUCED TO A LEVEL OF “LESS THAN SIGNIFICANT” BY THE MITIGATION MEASURES IDENTIFIED IN THE EIR AND ADOPTED FOR THE PROJECT – The Project would result in

significant and potentially significant impacts that will be mitigated to a less than significant level due to incorporation of mitigation measures from the EIR into the conditions of Project approval. Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment as identified in the draft FEIR. This Resolution incorporates all the mitigation measures, identified in the Rancho Cañada Village Project Second Final EIR, and makes them conditions of approval of the Project. All resource areas that could result in a potentially significant environmental impact can be mitigated through the measures cited in the Second Final EIR to a level of less than significant, with the exception of Project and cumulative land use and traffic impacts.

- EVIDENCE:** a) The EIR identified potentially significant impacts that require mitigation to Aesthetics; Air Quality; Biological Resources; Cultural Resources; Geology, Seismicity, and Soils; Greenhouse Gas Emissions and Climate Change; Hazards and Hazardous Materials; Hydrology and Water Quality; Land Use; Noise; Population and Housing; Public Services, Utilities, and Recreation; and Transportation and Traffic, which could result from all components of the Project. These impacts will be mitigated to a less than significant level with incorporation of mitigation measures from the EIR into the conditions of Project approval. In its recommendation to the Board, the Planning Commission considered Project approval subject to conditions of approval that incorporate the proposed mitigation.

- 6. FINDING: SIGNIFICANT UNAVOIDABLE ADVERSE IMPACTS – (POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS IDENTIFIED IN THE EIR THAT ARE NOT REDUCED TO A LEVEL OF “LESS THAN SIGNIFICANT” BY THE MITIGATION MEASURES) –** The Project will result in significant and unavoidable impacts that will not be mitigated to a less than significant level even with the incorporation of mitigation measures from the EIR into the conditions of Project approval. Specific economic, legal, social, technological, and other considerations, including considerations for the provision of affordable housing opportunities for workers, make infeasible additional mitigation.

- EVIDENCE:** a) The EIR identified potentially significant impacts to both Land Use and Transportation and Circulation, which could result from the Project. Mitigation measures have been identified which reduce some of these impacts, but not to a level of insignificance; therefore, these impacts are significant and unavoidable and cannot be mitigated to a less than significant level.
- b) Land Use. The SRDEIR identified significant and unavoidable impacts to land use. As evidenced by the analysis of land use impacts

provided in Chapter 3.5 of the SRDEIR and draft Second Final EIR, conflicts with Land Use Plans, Policies, or Regulations. The Project would be inconsistent with CVMP Policy CV-1.27 and General Plan Policy LU-2.13, regarding affordable housing requirements for new development projects. This inconsistency would result in longer employee commutes and would contribute to traffic congestion along Carmel Valley Road and other roadway segments above the level of service standards. However, the Executive Summary of the FEIR observes that, with the proposed amendment to CV-1.27, these other policies' affordability levels do not apply to the Project. The Alternative 6B Project proposes 20% inclusionary units and more than 8% workforce).

- c) **Transportation and Traffic.** The SRDEIR identified significant and unavoidable impacts to the following areas. Full description and analysis of transportation and traffic impacts is provided in Chapter 3.7 of the SRDEIR and draft Second Final EIR:
- **LOS at Unsignalized Intersections.** The Project would contribute to temporary exceedances in LOS standards before improvements are fully funded through the CVTIP Traffic Impact Fee. Mitigation Measure TR-1 requires the Project to contribute its fair share to the fee to fund interchange improvements of Laureles Grade and Carmel Valley Road.
 - **Peak Hour LOS on State Route 1.** The Project would add traffic to deficient segments of SR 1. No mitigation is available, as existing fee programs do not include widening of SR 1 north of Carmel Valley Road or south of Ribera Road to address this traffic issue.
 - **Construction traffic** associated with the Project is not expected to lower LOS levels on any affected roadway. However, given that there are failing operations under existing conditions at certain locations, such as along SR 1 and at the Laureles Grade/SR 68 intersection, the addition of construction traffic would result in a significant impact. Mitigation Measure (MM) TRA-2 would reduce construction impacts, but would not avoid all contributions to locations with existing failing traffic operations.
- d) Caltrans District 5 sent a comment letter to staff in response to the release of the SFEIR on April 16, 2021. The letter offered support for development that is consistent with smart growth principles including improvements from their Transportation Demand Strategies, such as pedestrian, bicycle, and transit infrastructure improvements. The Project includes walkable and bike-able paths in the direction of jobs, shopping and public transit as well as into the Palo Corona Regional Park. The letter also urged the use of Vehicle Miles Traveled for assessment of transportation impacts in EIRs, effective July 2020. County commends the use of VMT in environmental analysis going forward from that date. The Second Revised Draft EIR was circulated for public review in June 2020 and pre-dates the requirement. Caltrans

included no changes to the transportation section. Caltrans did not comment on the SRDEIR during the comment period.

7. FINDING: ALTERNATIVES TO THE PROPOSED PROJECT - The EIR evaluated a reasonable range of potentially feasible alternatives to the Proposed Project (130-unit) in compliance with CEQA Guidelines section 15126.6. Specific economic, legal, social, technological, or other considerations make infeasible the Project alternatives identified in the EIR, except for Alternative 6B. The other alternatives identified in the EIR and the reasons they are infeasible are described below.

EVIDENCE: a) Per the CEQA Guidelines, Section 15126.6 (f)(2), an alternative project location need only be analyzed if the significant effects of the Proposed Project would be avoided or substantially lessened by putting the Project in another location. An alternative location was not considered for the Proposed Project, due to limitations related to off-site property ownership, available developable parcels of similar size that could reasonably accommodate a similarly-sized development as the Project, and lack of anticipated reduction of significant and unavoidable impacts at off-site properties.

- b) The following project objectives were established for the Project:
- Implement smart growth principles through infill development close to shopping facilities, schools, parks, churches, and major transit corridors.
 - Integrate open spaces within infill development with surrounding native habitats.
 - Assist the County in addressing the statewide housing and affordability crisis.
 - Provide employment opportunities for the local workforce.
 - Create opportunities allowing for County implementation of regional drainage control solutions.
 - Facilitate the construction of a needed traffic light on Carmel Valley road under an accelerated time frame.

Pursuant to CEQA Guidelines Section 15126.6(c), the range of alternative shall include those that can feasibly accomplish most of the basic project objectives.

- c) In addition to the Proposed Project, six additional alternatives to the Project were considered in the EIR, they are: 1) No Project Alternative; 2) Hotel Alternative; 3) 90-Unit Low-Density Alternative; 4) 40-Unit Low-Density Alternative; 5) Energy Efficient Clustered Residential Alternative; 6a) 160-Unit Medium-Density Residential Alternative and 6b) Increased Unit, Greater Affordability Alternative.

The No Project Alternative (Alternative 1) would result in just that, no project; with the site continuing the current cattle grazing use of the

site, per the current conditions of the site. The No Project Alternative is also assumed to accommodate future development that is consistent with the existing zoning and land use designation of the site, which would allow for the construction of five estate homes with no discretionary approval. All impacts would be lower under the No Project Alternative than the Proposed Project. Significant and unavoidable land use impacts would not occur under the No Project Alternative; however, the significant and unavoidable transportation and traffic impacts would remain, as any increase in daily vehicle trips would be considered a significant and unavoidable impact.

The Hotel Alternative (Alternative 2) considered developing a 175-unit hotel or timeshare, 20 employee housing units, reconfiguration of the west golf course, clubhouse and restaurant, tennis clubhouse and four tennis courts, health club spa, meeting rooms, and administrative offices. The Hotel Alternative is considered technically feasible; however, this alternative would not meet the project objective to assist the County in addressing the statewide housing and affordability crisis. Impacts related to land use, transportation and traffic, and population and housing would be lesser than the Proposed Project; however, impacts related to geology and soils, hydrology and water quality, aesthetics, hazards and hazardous materials, air quality, noise, water supply, and greenhouse gas emissions would be greater than the Proposed Project. The remaining impacts to biological resources and cultural resources would be similar to the Proposed Project. Significant and unavoidable land use impacts would not occur under the Hotel Alternative; however, the significant and unavoidable transportation and traffic impacts would remain.

The 90-Unit Low-Density and 40-Unit Low-Density Alternatives (Alternatives 3 and 4, respectively) consider residential projects at densities less than the proposed Project at the Project location, including a reduction in total residential units to 73 market-rate and 17 affordable units for the 90-Unit Low-Density Alternative, and 32 market-rate and 8 affordable units for the 40-Unit Low-Density Alternative. These alternatives are technically feasible and would meet all project objectives to a lesser extent than the Proposed Project. Both Low-Density Alternatives would result in lesser impacts than the Proposed Project in relation to geology and soils, hydrology and water quality, biological resources, aesthetics, hazards and hazardous materials, transportation and traffic, air quality, noise, public services, recreation, utilities, cultural resources, population and housing, and greenhouse gas emissions. Impacts to land use would be similar to the Proposed Project. Significant and unavoidable land use and transportation and traffic impacts would continue to occur under both the 90-Unit Low-Density Alternative and the 40-Unit Low-Density Alternative.

The Energy Efficient Clustered Residential Alternative (Alternative 5) would develop 130 residential units, similar to the Project, with

clustering of 25 condominium units to allow for easier use of solar infrastructure. The configuration of these condominium units would include a “solar village” comprising of 18-condominiums on the front parcel and seven condominium units (two tri-plexes and one half plex) on the west side of the project site. Similar to the Proposed Project, the 130-units under this alternative would also be of moderate and market rate housing. While the most recent Building Energy Efficiency Standards of the California Building Code, Title 24, Part 6, would be required for the Project, this alternative would allow for more efficiency in developing the required solar infrastructure, as fewer solar panel systems could be installed to power all condominium units. This alternative is technically feasible and would meet all objectives of the Project, to the same degree as the Project. The Energy Efficient Clustered Residential Alternative would result in lesser impacts than the Proposed Project related to aesthetics. All other impacts would be similar to the Proposed Project. Significant and unavoidable land use and transportation and traffic impacts would continue to occur under the Energy Efficient Clustered Residential Alternative, to the same degree as the Project.

The 160-Unit Medium-Density Residential Alternative (Alternative 6a) would develop 130 units, similar to the Proposed Project, with the assumption that as many as 30 homeowners would construct accessory dwelling units (ADUs), consistent with recent changes in California law. Thus, this alternative assumes the construction of 160 residential units, 30 of which would be ADUs. Under this alternative, the Planning Commission would recommend this alternative, but Board of Supervisors would not approve 160 units on 160 future legal parcels. Rather, for this alternative to come to fruition, the Board would have to approve either the Proposed Project or Alternative 5, both of which would result in 130 parcels for single family dwellings, and then, after those dwellings are built, 30 owners of individual lots would have to seek ministerial approvals from the County for the construction of ADUs. This alternative is considered technically feasible and would meet all objectives of the Project, to a greater extent than the Project. This alternative would provide market-rate housing to a greater extent than the Proposed Project. The 160-Unit Medium-Density Residential Alternative would result in greater impacts than the Proposed Project in relation to geology and soils, hydrology and water quality, aesthetics, hazards and hazardous materials, transportation and traffic, air quality, noise, public services, utilities, recreation, cultural resources, population and housing, and greenhouse gas emissions, primarily due to the 23% increase in residents. However, these greater impacts would not be associated with new significant and unavoidable impacts. Potential effects to biological resources and land use would be similar to the Proposed Project. No impacts would be reduced as a result of this alternative. Significant and unavoidable land use and transportation and traffic impacts would continue to occur under the 160-Unit Medium-Density Residential Alternative, with the significant and unavoidable

transportation and traffic impacts slightly worsened due to the increase in residents and thus daily vehicle trips.

The Increased Unit, Greater Affordability Alternative (Alternative 6b) proposes development ranging from 145 to 155 units in the same footprint. This alternative assumes the construction of 40 to 50 units of which would be affordable housing. This alternative is considered technically feasible and would meet all objectives of the Project, to a greater extent than the Proposed Project. This alternative would provide more affordable housing, which was strongly desired by many public commenters on the SRDEIR, the Carmel Valley LUAC, and the HAC. The Increased Unit, Greater Affordability Alternative would result in greater impacts than the Proposed Project in relation to geology and soils, hydrology and water quality, aesthetics, hazards and hazardous materials, transportation and traffic, air quality, noise, public services, utilities, recreation, cultural resources, population and housing, and greenhouse gas emissions, primarily due to the increase in residents. However, these greater impacts would not be associated with new significant and unavoidable impacts. Potential effects to biological resources and land use would be similar to the Proposed Project. No impacts would be reduced as a result of this alternative. Significant and unavoidable land use and transportation and traffic impacts would continue to occur under the Increased Unit, Greater Affordability Alternative, with the significant and unavoidable transportation and traffic impacts slightly worsened due to the increase in residents and thus daily vehicle trips. The Planning Commission is recommending that the Board consider a total of 145 housing units because this Alternative allows for an increased affordable housing component, achieves the 20% inclusionary housing requirement and levels of affordability to meet housing type needs.

- 8. FINDING: STATEMENT OF OVERRIDING CONSIDERATIONS** - Per Public Resources Code section 21081(b) and section 15093 of the CEQA Guidelines, with respect to the identified significant unavoidable environmental effects of the project, the Planning Commission has weighed the economic, legal, social, technological, and other benefits, including region-wide and statewide environmental benefits, of the project against its unavoidable significant environmental impacts in making its recommendation to the Board regarding the project. The Planning Commission recommends that the Board of Supervisors find that the benefits of the project outweigh its unavoidable, adverse environmental impacts such that the adverse environmental effects may be considered acceptable. Each benefit set forth below constitutes an overriding consideration warranting approval of the project, independent of other benefits, despite each and every unavoidable impact.

- EVIDENCE:** a) The Project will result in development that will provide benefits described herein to the surrounding community and the County as a

whole. In balancing the public good in approving this project against the unavoidable significant impacts identified, the Commission finds that any one of the facts listed below would be sufficient to find that the benefits of the project outweigh the unavoidable adverse environmental effects. The project would provide the following benefits to the public:

- i. The Project provides housing in an area of limited new home construction and provides a range of housing types, such as small-lot single-family and townhouses that are not typical of the Carmel Valley area and are relatively more affordable in comparison to the typical large-lot single-family residences that characterize Carmel Valley (affordable by design). Carmel Valley, like much of the Monterey Peninsula, is an area of the County where there has been little success in providing affordable housing. The project proposes to provide 40 units of rental/owned affordable housing on a 5-acre parcel within the development. The 2015 – 2023 County of Monterey Housing Element Update, adopted by the Board of Supervisors on January 26, 2016, identifies a shortage of affordable housing in the unincorporated areas of the County. Rents in the Greater Monterey Peninsula Planning area are higher than elsewhere in the County, resulting in housing which is not affordable. This project will provide 40 units of housing deed-restricted to be affordable, as well as provide small lots for market rate housing that may be more affordable than other large lot market rate housing in Carmel valley. . This project helps achieve Policy H-3.7 of the Housing Element, to “work to achieve balanced housing production proportional to the job-based housing demand in each region of the unincorporated area.” This project will assist in providing the jobs/housing balance by providing housing as various income levels at the Mouth of the Carmel Valley, where many jobs exist and/ or are nearby. The Project provides housing opportunities for targeted Workforce, moderate-income, low-income and very-low-income housing groups who may not otherwise get into the Carmel Valley/Monterey Peninsula housing market.
- ii. The Project will permanently preserve approximately 38 acres of conservation-oriented open space on the project site and another 9 of common area open space within the residential portion. The open space would consist of naturally-landscaped areas and ponds/drainage basins adjacent to the Carmel River. Several conditions of approval of this project require the preservation and active management of this area.
- iii. The Project will install new trails open to the public and strengthen connections to existing open space areas, including Palo Corona Regional Park.
- iv. The Project will create economic benefits to the County and the economy through the creation of jobs for construction (temporary), and the creation of new property tax revenue through higher property valuation. Given the intent to build the subdivision out over time by individual property owners this

could also have the added benefit of involving local contractors and trade persons and enabling them to acquire current job skills and familiarity with current codes.

- v. The Project includes a dedication of water to the Carmel River for instream purposes that is not imposed through mitigation measures or other regulatory requirements.
- vi. The Project includes flood control and drainage improvements unrelated to any required mitigations measures. The principal feature is a below-grade pipe oriented in a north-south direction along the site's western boundary. This pipe would connect to a future County drainage project, immediately to the north, that would direct storm water from Carmel Valley Road to the Carmel River, greatly lessening storm water-related flood impacts in the area. The Project also includes the installation of a large culvert along the site's western edge that would address riverine flooding. These improvements, not required through the CEQA process as mitigations should lessen both riverine and storm water-related flooding for properties at the mouth of the Valley.

9. FINDING: MITIGATION MONITORING PROGRAM - Per Public Resources Code section 21081.6 and the County-adopted Condition of Approval and Mitigation Monitoring and Reporting Program, the County is, as part of this action, adopting a reporting or monitoring plan for the changes made to the Project or conditions of Project approval to mitigate or avoid significant effects on the environment.

- EVIDENCE:**
- a) Adoption of the MMRP is part of the Planning Commission's recommendation. The mitigation measures identified in the Second Final EIR will be incorporated as conditions of approval and are included as an attachment to this resolution recommending approval of the Project.
 - b) The Applicant/Owner of the Project will be required to enter into an "Agreement to Implement a Mitigation Monitoring and Reporting Plan" as a condition of approval for the Project.
 - c) Mitigation measures are found in the draft Second Final EIR for the Rancho Cañada Village Project, April 2021.
 - d) The application, plans and supporting materials submitted by the Project applicant to Monterey County HCD-Planning for the proposed development found in Project File PLN040061-AMD1.

10. FINDING: RECIRCULATION NOT REQUIRED – No new significant information has been added to the EIR since circulation of the SRDEIR that would require recirculation of the EIR. Per Section 15088.5 of the CEQA Guidelines, the County of Monterey is required to recirculate an EIR when significant new information is added to the

EIR after public notice is given of the availability of the draft EIR for public review but before certification. “Significant new information” requiring recirculation may include, for example, a disclosure showing:

- 1) A new significant environmental impact resulting from the project or from a new mitigation measure proposed to be implemented;
- 2) A substantial increase in the severity of an environmental impact unless mitigation measures are adopted that reduce the impact to a level of insignificance;
- 3) A feasible project or mitigation measure, considerably different from others previously analyzed, that clearly would lessen the significant environmental impacts of the project, but that the project’s proponents decline to adopt; or
- 4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

No such significant new information has been added, as further explained below

- EVIDENCE:**
- a) Per Section 15088.5(b) of the CEQA Guidelines, recirculation of the SRDEIR is not required where the new information merely clarifies, amplifies, or makes minor modifications to an adequate EIR. The information provided since the draft EIR meets those criteria.
 - b) All the text revisions to the SRDEIR and revisions to mitigation measures since the SRDEIR was published provide clarification and additional detail, as described in detail in findings (c) through (g) below and depicted in the draft Second Final EIR. The changes do not result in a new significant impact or substantial increase in the severity of an environmental impact and therefore recirculation is not required.
 - c) The EIR was modified to include the 2018 Restoration Plan. This 2018 Restoration Plan is responsive to Mitigation Measure BIO-8 from the 2016 EIR, which required preparation of a restoration plan prior to implementation of the 130-Unit Alternative, which is now the Proposed Project. The 2018 Restoration Plan meets this requirement; therefore, the original Mitigation Measure BIO-8 is no longer required, and implementation of the Restoration Plan has been incorporated into the SRDEIR as appropriate. It should be noted that Mitigation Measure BIO-1 (current numbering) is still required by the EIR and provides a mechanism to ensure implementation of the 2018 Restoration Plan for the Project. The addition of the 2018 Restoration Plan into the SRDEIR analysis does not constitute “significant new information.” Modifications to the analysis, other than clarifying the completion of the 2018 Restoration Plan and incorporating details from it as necessary, were not required.

- d) The applicant has specified that the Project would utilize the water supply connection to Cal-Am. This specification clarifies the text previously included in the 2016 EIR, which analyzed the connection to Cal-Am through dedication of an appropriate amount of the Project Applicant's water right to Cal-Am as one water supply option (which could require the use of groundwater from a new Cal-Am well located on the project site), and the use of an on-site wells using water rights held by the property as a second water supply option. Both options were fully analyzed, and the clarification of the water supply source does not constitute "significant new information" but rather a clarification of which of the two options would be implemented. Modifications to the analysis were not required because of this refinement.
- e) Since publication of the SRDEIR, an additional alternative, considered to be substantially similar in its potential impacts to the former Alternative 6, was added to the Second Final EIR. The new alternative is labeled as Alternative 6b, Increased Unit, Greater Affordability Alternative, and would result in the development of between 145 and 155 residential units, between 40 and 50 of which would be affordable units. The potential effects of such an alternative were adequately covered in the SRDEIR under the former Alternative 6 (renamed Alternative 6a), which analyzed the potential environmental effects of developing 160 units on the project site, as compared with the Proposed Project. This alternative was included to provide analysis of a greater affordability alternative. The addition of Alternative 6b into the SRDEIR analysis does not constitute "significant new information." Modifications to the analysis, other than demonstrating no substantially increased environmental effects as compared to the Proposed Project beyond those disclosed for Alternative 6a (formerly Alternative 6), which was already covered in the SRDEIR, were not required.
- f) A letter about the RCV SFEIR from the NOAA National Marine Fisheries Service (NOAA Fisheries) was received on May 5, 2021. The letter shared concern with the drainage plan design pertaining to potential impacts to steelhead (*Oncorhynchus mykiss*), a species of fish listed as threatened under the Endangered Species Act. NOAA Fisheries had written a similar letter during the public review period. The SRDEIR found that potential impacts from changes in water use were determined to be less than significant, based on the benefits to steelhead of reduced withdrawals from the Carmel River. The SFEIR noted that stranding events would be infrequent and would not be expected to result in stranding of large numbers of steelhead that might affect population levels. However, slight edits to BIO-18 Rescue Steelhead if stranded in site basin during high-flow events have been made to clarify the steps taken to protect steelhead (Condition No. 79). They are as shown in strike-through and underline (starting at the second paragraph of the condition):

“. . .The Applicant/Owner will obtain all necessary approvals and make all implementation arrangements for steelhead rescue prior to the construction of the new site basin and will provide proof of such ~~permits and arrangements~~ to the County.

Actions Needed for Resolution:

Prior to Recordation of a Final Map, this mitigation measure and its requirements shall be shown as a Note on the Map.

Prior to issuance of construction permits the Applicant/Owner shall ~~submit proof show evidence that the proposed new detention basins/ponds locations are acceptable to NOAA Fisheries and CDFW and that the agents of the Applicant/owner are authorized to implement BIO-18 or the CRSA is permitted to implement BIO-18 and intercede as part of their ongoing steelhead rescue permits has granted permission to rescue steelhead. The project applicant shall submit proof that all required approvals and permits have been obtained.~~”

Condition No. 42, while not a mitigation measure, was also edited to strengthen the protection of steelhead. Staff added: “NOAA National Marine Fisheries Service (NOAA Fisheries) will review the plan and make recommendations to better achieve protections of protected species” to the body of the condition; staff also added “Evidence must be provided that the drainage study and improvement plans were submitted to NOAA Fisheries for input to minimize potential harm to protected species” to the actions of the condition. The applicants agreed to these amplifications.

- g) Mitigation Measures BIO-7, BIO-8, BIO-9, BIO-10, and BIO-11 were modified to specifically include foothill yellow-legged frog (FYLF) and California Department of Fish and Wildlife (DFW) protocols and consultation. FYLF was not designated as a candidate for listing as a threatened or endangered species under California Endangered Species Act (CESA) until July 7, 2017, after publication of the 2016 EIR. These modifications to the California red-legged frog (CRLF) mitigations are minor, and do not constitute “significant new information” but rather a clarification of the existing mitigation to ensure effects to special-status amphibian species are adequately mitigated. Substantial modifications to the analysis were not required because of this refinement. Instead, basic information about FYLF was added to the EIR, and minor modifications to existing mitigation measures were made.
- h) Mitigation Measures PSU-2 was modified to adjust for the well that might have been the water source for the project in prior versions becoming a well to be maintained by Cal Am. This is explained in the FEIR. The modification to the mitigation is minor, and does not constitute “significant new information” but rather a clarification of the existing mitigation to ensure effects to protected species are adequately mitigated. Substantial modifications to the analysis were not required because of this refinement. Instead, new wording for the mitigation measure was added to the EIR.

- i) By letter dated June 8, 2021, the applicant requested revision of several conditions (Condition Nos. 4, 47, 52, 55, 112) and deletion of one condition (Condition No. 38). The Planning Commission recommended that staff review and discuss applicant's requests prior to the Board of Supervisors' hearing on the project, this recommendation has been added to this resolution.
- j) Other minor modifications to the EIR include acreage and Assessor Parcel Number clarifications, including minor adjustments to total project site size, open space and habitat acreages, and housing footprint, and clarifying that the Project does not have a Pattern Book.

11. FINDING: FISH AND GAME FEE – For purposes of the Fish and Game Code, the Project will have a significant adverse impact on the fish and wildlife resources upon which the wildlife depends.

- EVIDENCE:**
- a) The California Department of Fish and Wildlife (DFW) reviewed the SRDEIR. Analysis contained in the EIR and the record as a whole indicate the Project could result in changes to the resources listed in DFW regulations. All land development projects that are subject to environmental review are subject to a State filing fee plus the County recording fee, unless the DFW determines that the Project will have no effect on fish and wildlife resources. The site supports biological and forest resources. For purposes of the Fish and Game Code, the Project will have a significant adverse impact on the fish and wildlife resources upon which the wildlife depends. Therefore, the Project will be required to pay the State fee in effect at the time of the recordation of the Notice of Determination (NOD) to the Monterey County Clerk/Recorder for processing said fee and posting the NOD.
 - b) The application, plans, and supporting materials submitted by the Project applicant to Monterey County HCD-Planning for the proposed development found in Project File PLN040061-AMD1.

12. FINDING: TREE REMOVAL – The tree removal is the minimum required under the circumstances and the removal will not involve a risk of adverse environmental impacts.

- EVIDENCE:**
- a) The Project includes the removal of up to 37 trees (all native trees, including Cottonwood, Sycamore, Arroyo Willow, Box Elder, and Coast Live Oak). In accordance with the applicable policies of the 2010 General Plan, Greater Monterey Peninsula Area Plan, Carmel Valley Master Plan, and Monterey County Code (Title 16 and Title 21), a Use Permit is required and the criteria to grant said permit have been met.

- b) A Restoration Plan was prepared by Zander Associates (2018) and incorporated into the EIR prepared for the Project. The Project is subject to Mitigation Measures BIO-1, BIO-2, BIO-3, and BIO-4.
- c) The project site consists of approximately 77 acres of land previously used as a golf course for over 40 years and currently used for cattle grazing (from 2016 to present). The southern portion of the property, adjacent to the Carmel River, includes more mature trees and natural terrain, and is currently used for cattle grazing. As proposed, the development would result in the removal of up to approximately 37 trees.

13. 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 and therefore is consistent with General Plan Policies PS-3.1 and PS-3.2, respectively.

- EVIDENCE:**
- a) The Project includes applicant’s proposal to transfer approximately 60 acre-feet/year (AFY) of its water rights to California-American Water (Cal-Am) to serve the Project; the applicant also proposes to dedicate an additional approximately 50 AFY of riparian water for beneficial in-stream uses in the Carmel River.
 - b) The fundamental intent of the County General Plan Goal PS-3 and associated policies is that new development must have a long-term water supply in terms of quantity and quality. The analysis shows that the Project would not increase consumptive water use, would result in increased recharge to the Carmel Valley Alluvial Aquifer, and would not result in any substantial adverse effect on Carmel River instream flows. Regarding quality, the Project would draw water from the same location from which Cal-Am currently draws water to serve its customers. Water supplied by the Cal-Am distribution system would be treated to all regulatory standards just like the water being drawn at present from Cal-Am wells on the project site and in nearby adjacent areas. Thus, the water source is of an acceptable water quality.
 - c) The proposed water supply for this Project was reviewed using the criteria in County General Plan Policy PS-3.2 (Policy criteria in italics):
 - *Water Quality:* Water is the same quality as current local Cal-Am wells and is thus of acceptable water quality.
 - *Authorized production capacity of a facility operating pursuant to a permit from a regulatory agency, production capability, and any adverse effect on the economic extraction of water or other effect on wells in the immediate vicinity, including recovery rates:* The analysis in Chapter 3.10 of the Second Final EIR shows that the

- on-site pumping levels would be less than baseline pumping levels which will help with groundwater recharge and thus would have no adverse effects to other wells or groundwater level recovery.
- *Technical, managerial and financial capability of the water purveyor or water system operator:* The Project would be served by Cal-Am, and as a result has proven capabilities to deliver water. With mitigation (measure PSU-1), the Project's water supply can meet this criterion.
 - *The source of the water supply and the nature of the right(s) to water from the source:* There are riparian rights associated with the project site that meet the water needs of the Project. SWRCB has approved a proposal to transfer up to 60 AFY water rights to Cal-Am for new connections (subscriber uses) to be served by Cal-Am and to be used by Cal-Am.
 - *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:* Cumulative conditions were taken into account when establishing significance criteria for the water supply analysis in the EIR as no net increase in consumptive water use, no net reduction in groundwater recharge, and no substantial adverse change in instream flows in the Carmel River. The Project's water supply impact will not exceed any of the significance criteria. The Project would reduce water use relative to the baseline golf course use and help to reverse cumulative trends of water supply impacts on the Carmel River.
 - *Effects of additional extraction or diversion of water on the environment including on in-stream flows necessary to support riparian vegetation, wetlands, fish or other aquatic life, and the migration potential for steelhead, for the purpose of minimizing impacts on the environment and to those resources and species:* The Project's water supply will not result in a net increase in consumptive water use, no net reduction in groundwater recharge, and no substantial adverse change in instream flows in the Carmel River. Thus, it will not result in any additional extraction or diversion of water impacts on the environment and will not result in impacts to riparian vegetation, wetlands, fish or other aquatic life, or migration potential for steelhead. The Project instead should benefit riparian vegetation, wetlands, fish and other aquatic life and help improve spring and summer instream flows.
 - *Completion and operation of new projects, or implementation of best practices, to renew or sustain aquifer or basin functions:* The Project will not adversely affect aquifer or basin functions and will not hinder other efforts to renew aquifer or basin functions, such as the development of an alternative water supply to Cal-Am's withdrawals in excess of its current water rights or the dedication of water to instream uses by others. The Project will instead contribute to sustaining aquifer and basin functions.

- *The hauling of water shall not be a fact or nor a criterion for the proof of a long term sustainable water supply:* Hauling of water is not proposed.

With proposed Mitigation Measure PSU-1 to ensure delivery of the Project's water supply and constrain it to a maximum of the amounts estimated in the EIR, the Project is considered to have a long-term sustainable water supply because it has already met the relevant criteria and/or will be required to meet the relevant criteria prior to issuance of any building permits.

- 14. FINDING: FLOODWATER CONTROLS:** A component of this project, as stated in the Project Objectives within the SRDEIR, is to "create opportunities allowing for County implementation of regional drainage control solutions." The Project would achieve this objective by constructing stormwater drainage extensions in and around project development. The drainage facility would be designed to handle local drainage and runoff and promote groundwater recharge. The design includes wetlands, infiltration basins, mechanical structures, and levee improvements. Conditions of approval are also applied to the Project to ensure compliance with the Central Coast Water Board's Regional Post-Construction Stormwater Control Measures as well as the regulations and requirements of FEMA, FWS, CDFW, and ESA.

- EVIDENCE:**
- a) Drainage Best Management Practices (BMPs) used for stormwater quality treatment may include wetlands, infiltration basins, or mechanical structures, and are designed to remove pollutants from the stormwater. The primary BMP of the Project would be the stormwater infiltration areas. These areas would be designed to take advantage of the high percolation rates of the native soils. This would promote infiltration and allow for the removal of pollutants as stormwater percolates down through the soil. Because these areas drain the entire site, they would be effective in improving the stormwater quality at this portion of Carmel River.
 - b) The Project includes improvements to the tie back levee to meet current flood standards. To accommodate this design element, the Project would include an elevated road with culvert beneath to convey the stormwater runoff from the DA27 area as shown on Sheet 7 of the proposed plans. As shown therein, a pump station and new flood wall would be developed to assist in flood control. The culvert leading to the levee has been through various designs and is currently proposed as a 60-inch pipe. As noted in the footnote on page 3.2-29 of the Second Final EIR, a smaller diameter pipe would provide sufficient capacity for the purposes of the Project. (The intent of installing an oversized pipe was to ensure that no upsizing of the Project's pipe is necessary in the future.) The Project's below grade drainage pipe would provide a public benefit by reducing the required length of the County's potential future drainage channel for DA27.

- c) The Project is required to implement multiple erosion and sediment control BMPs in areas with potential to drain to surface water (Condition Nos. 15, 16, 17, 45, 46, and 55). These BMPs are anticipated to achieve maximum sediment removal and represent the best available technology that is economically achievable.
- d) A comment letter from FEMA on the SFEIR dated May 5, 2021 was received. The comments included a statement that a hydrologic and hydraulic analysis must be performed prior to the start of development, and must demonstrate that the development would not cause any rise in base flood levels because no rise is permitted within regulatory floodways. The Project SRDEIR included a series of Hydrologic reports and a Hydraulic and Transport study done by Balance Hydrologics, Inc. (dating from 2005 to 2017) as discussed in Chapter 3.2. Mitigation Measures HYD-1, HYD-2, and HYD-3 would ensure the drainage facilities are properly designed, maintained and monitored so they operate as intended (Condition Nos. 97, 98, 99).

The letter from FEMA also relates that not later than six months after such data becomes available, County shall notify FEMA of the changes that completion of a development that changes existing Special Flood Hazard Areas for a Flood Map Revision by submitting technical data. County is aware of the requirement and will work with the applicant and owner or to meet this deadline and comply fully. Condition Nos. 15 and 16 address this issue.

15. FINDING:

SUBDIVISION – Section 66474 of the California Government Code (Subdivision Map Act) and Title 19 (Subdivision Ordinance) of the Monterey County Code require that a request for subdivision 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.

None of these findings are made.

- EVIDENCE:** a) The Project includes a General Plan Amendment to ensure consistency with the General Plan. The design and improvements included in the

Project are consistent with the General Plan and provide benefits to surrounding properties. The site is physically suitable for the type of development at the density proposed. The Project will not cause substantial environmental damage or result in damage to fish and wildlife and their habitat. The Project not result in any serious public health problems and will not conflict with easements or access acquired for the public; conversely, the Project will enhance public access and grant an easement to improve offsite drainage.

- 16. FINDING: INCLUSIONARY HOUSING:** The Project complies with the Inclusionary Housing Ordinance requirement to provide a minimum of 20% affordable housing units. (MCC, Chapter 18.40) The applicant has demonstrated, based on substantial evidence, that unusual or unforeseen circumstances exist making it appropriate to modify the requirements of the Inclusionary Ordinance so that twenty-eight moderate-income units, in addition to twelve workforce units (six Workforce I and six Workforce II), as proposed by the Project applicant, is allowed in-lieu of the 8% moderate-income, 6% low-income and 6% very low-income. (MCC, Section 18.40.050.B.2.) The Planning Commission recommends that the Board make this finding based on substantial evidence in the record, including, but not limited to, the following:

- EVIDENCE**
- a) The applicant proposed the Project construct twenty-eight moderate-income units and twelve workforce units for a total of 40 affordable for rent housing units (over twenty-eight percent) all to be constructed on site. Planning Commission supports the 40 units of affordable housing be allocated as proposed by the applicant as follows: twenty-eight units of moderate income housing and twelve units of workforce (six Workforce I and six Workforce II). (See Condition No. 112).
 - b) The amendment to Carmel Valley Master Plan Policy CV-1.27 reduces the requirement for the Project to 20% affordability, “notwithstanding any other General Plan policies”. Thus, the Project is not subject to General Plan Policy LU-2.13; nonetheless, the Project is consistent with that Policy LU 2.13’s requirement of 20% inclusionary and 5% Workforce housing, although not with the specific allocation among the 20% inclusionary units.
 - c) The Project applicant has provided substantial evidence, including the Financial Feasibility Analysis prepared for the Project by Economic & Planning Systems, Inc. (EPS); EPS #202069, dated January 1, 2021, that foreseeable revenues, land acquisition costs, construction costs and other expenses (interest and fees) impact the profitability and financial feasibility of the Project, including the amount and mix of affordable housing that may feasibly be developed. An additional unusual circumstance is that applicant has an existing entitlement, now upheld by the court of appeal, for the 130-unit project of which 25 units would be deed-restricted as rental

units affordable to households with moderate income. The court of appeal also upheld the Board’s finding of unusual circumstances justifying the affordable housing consisting of 25 units of moderate income housing. Assuming the court of appeal decision becomes final, the applicant could choose to construct the 130-unit project, with 25 units of moderate income housing, rather than the 145-unit proposal with 40 units of affordable housing. Applicant also proposed at the Planning Commission hearing that he would build and then rent the 12 market rate townhomes, thus adding additional units that would be “affordable by design.” In light of these unique circumstances, the Commission recommends approval of the 145 unit project with the proposed composition of affordable housing.

- d) Several written and oral comments about affordable housing were made to the Planning Commission at the May 5, 2021 and June 9, 2021 public hearings. Many, including Monterey Bay Economic Partnership, LandWatch, Carmel Valley Association and others expressed that the opportunity should not be missed to build more affordable housing at this infill location. The Planning Commission and the applicant embraced the opportunity by supporting a 145-unit Project, rather than a smaller project, to augment affordable housing. The Project, as recommended by the Planning Commission, offers 20% inclusionary housing as well as workforce housing level of over 8%.

17. FINDING: **NOTICE:** The Planning Commission held a duly noticed public hearing on the General Plan amendment, rezoning, and project application on May 5 and June 9, 2021, at which hearing all persons had the opportunity to be heard.

EVIDENCE a) Public notice for the May 5, 2021 Planning Commission hearings was provided through publication of notice in the Monterey County *Weekly*, mailing to residents within 300 feet of the Project site, onsite posting of notices, and mailing to interested parties who had previously asked to receive notice. After taking public testimony and deliberating, the Planning Commission continued the hearing to June 9, 2021, at which time the Commission took additional testimony, deliberated, and rendered the decision herein.

DECISION

NOW, THEREFORE, based on the above findings and evidence and the administrative record as a whole, the Planning Commission does hereby recommend that the Board of Supervisors take the following actions:

1. Certify the Rancho Canada Village Second Final Environmental Impact Report (EIR) (SCH#: 20006081150);
2. Adopt the above CEQA findings for Project approval and Statement of Overriding Considerations;

3. Adopt the zoning ordinance, in the same or substantially the same form as attached hereto as Exhibit B, Attachment B.2 and
4. Approve a Combined Development Permit for the Rancho Cañada Village “Increased Unit, Greater Affordability Project” (refinement of Alternative 6B of the FEIR), for a total of 145 units, including 20% inclusionary (twenty-eight units affordable to moderate income households) and approximately 8% Workforce Housing I (six units affordable to households earning between 120% and 150% of County median income) and II (six units affordable to households earning between 150% and 180% of County median income), with the Combined Development Permit consisting of:
 - a) Vesting Tentative Map subdividing 77 acres into 106 residential lots with common areas and roadways, and approximately 38-acres of habitat preserve on two Open Space lots;
 - b) A blanket Administrative Permit (Site Plan Approval) allowing development on 93 single family residential lots (parcels to be zoned Medium Density Residential), 12 townhomes, and 40 units of affordable/workforce housing (parcels to be zoned High Density Residential) within the S Site Plan Review Zoning Overlay District;
 - c) An Administrative Permit for development within the S District of a 1.5 acre community park and 8.6 acres of common areas, grading of up to 220,000 cubic yards and infrastructure installation, including installation of a below-grade drainage pipe and culvert to improve area-wide flood control and drainage.
 - d) Use Permit for development in the Carmel Valley Floodplain; and
 - e) Use Permit for removal of up to 37 trees.
5. Adopt the Mitigation Monitoring and Reporting Plan.
6. Recommend that staff work with the applicant in response to applicant’s requests for modification of conditions of approval stated in their June 8, 2021 letter.

All work must be in general conformance with the attached plans, and this approval is subject to conditions (including fifty mitigation measures), all being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 9th day of June, 2021, upon motion of Commissioner Diehl, seconded by Commissioner Gonzales, by the following vote:

AYES: Coffelt, Getzelman, Duflock, Mendoza, Daniels, Monsalve, Gonzales, Ambriz
NOES: None
ABSENT: Roberts
ABSTAIN: None

DocuSigned by:
Erik Lundquist
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Erik V. Lundquist, Planning Commission Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON _____.

Attachment B.1

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Monterey County RMA Planning
Conditions of Approval/Implementation Plan/Mitigation
Monitoring and Reporting Plan

PLN040061-AMD1

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The Rancho Canada Village Combined Development Permit (PLN040061-AMD1) allows:

- 1) Vesting Tentative Subdivision Map subdividing 77 acres into 106 residential lots with common areas and roadways, and approximately 38-acres of habitat preserve on two Open Space lots. The Subdivision includes the adjoining Regional Parks parcels for the purposes of adjusting the common boundary;
- 2) A blanket Administrative Permit (Site Plan Approval) allowing development on 93 single family residential lots (parcels to be zoned Medium Density Residential (MDR), 12 townhomes, and 40 units of affordable/workforce housing (parcels to be zoned High Density Residential) within the Design (D) and Site Plan Review (S) Zoning Overlay Districts;
- 3) An Administrative Permit for development within the S District of a 1.5 acre community park and 8.6 acres of common areas, grading of up to 220,000 cubic yards and infrastructure installation, including installation of a below-grade drainage pipe and culvert to improve area-wide flood control and drainage.
- 4) Use Permit for development in the Carmel Valley Floodplain; and 5) Use Permit for removal of up to 37 trees.

Assessor's Parcel Numbers 015-162-009-000, 015-162-017-000, 015-162-025-000, 015-162-026-000, 015-162-040-000, 015-162-048-000, 015-162-049-000 and portions of 015-062-043-000 and 015-162-051-000. Carmel Valley Master 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 HCD Chief of 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.

For purposes of these conditions, "owner/applicant" mean RCV LLC (applicant), Lombardo Land Group I LP (owner) and their successor(s) in interest. Additionally, "construction permits" shall mean subdivision improvement plans, utility permits (electrical, plumbing, mechanical), encroachment permits, grading permits and building permits.

(HCD - Planning)

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

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state:

"A Combined Development Permit (Resolution Number 21-023) was approved by the Monterey County Planning Commission for Assessor's Parcel Numbers 015-162-009-000, 015-162-017-000, 015-162-025-000, 015-162-026-000, 015-162-040-000, 015-162-048-000, 015-162-049-000 and portions of 015-062-043-000 and 015-162-051-000, on June 9, 2021. The permit was granted subject to 112 conditions of approval 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 the HCD Chief of Planning prior to issuance of grading and 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 construction permits or recordation of the Final Map, whichever occurs first and as applicable, the Owner/Applicant shall provide proof of recordation of this notice to HCD - Planning.

3. PD005 - FISH & GAME FEE NEG DEC/EIR

Responsible Department: RMA-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 the HCD Chief of 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 the HCD Chief of Planning prior to the recordation of the final/parcel map, the start of use, or the issuance of building permits or grading permits.

4. PD006 - CONDITION OF APPROVAL / MITIGATION MONITORING PLAN

Responsible Department: RMA-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: Within sixty (60) days after project approval or prior to the issuance of construction permits, whichever occurs first, the Owner/Applicant shall:

- 1) Enter into an agreement with the County to implement a Condition of Approval/Mitigation Monitoring Plan.
- 2) Fees shall be submitted at the time the property owner submits the signed Agreement.
- 3) Proof of recordation of the Agreement shall be submitted to HCD-Planning.

5. PD011 - TREE AND ROOT PROTECTION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Trees which are located close to construction site(s) shall be protected from inadvertent damage from construction equipment by fencing off the canopy driplines and/or critical root zones (whichever is greater) with protective materials, wrapping trunks with protective materials, avoiding fill of any type against the base of the trunks and avoiding an increase in soil depth at the feeding zone or drip-line of the retained trees. Said protection, approved by certified arborist, shall be demonstrated prior to issuance of building permits subject to the approval of HCD - Chief of Planning. If there is any potential for damage, all work must stop in the area and a report, with mitigation measures, shall be submitted by certified arborist. Should any additional trees not included in this permit be harmed, during grading or construction activities, in such a way where removal is required, the owner/applicant shall obtain required permits. (HCD - Planning)

Compliance or Monitoring Action to be Performed: Prior to issuance of construction permits, the Owner/Applicant shall submit evidence of tree protection to HCD - Planning for review and approval.

During construction, the Owner/Applicant/Arborist shall submit on-going evidence that tree protection measures are in place throughout grading and construction phases. If damage occurs and/or is possible, submit an interim report prepared by a certified arborist.

Prior to final inspection, the Owner/Applicant shall submit photos of the trees on the property to HCD-Planning after construction to document that tree protection has been successful or if follow-up remediation or additional permits are required.

6. PD013 - STREET LIGHTING

Responsible Department: RMA-Planning

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

Compliance or Monitoring Action to be Performed: Prior to the issuance of construction 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 or successor(s) in interest shall ensure that the lighting is installed and maintained in accordance with the approved plan.

7. PD015 - NOTE ON MAP-STUDIES

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: A note shall be placed on the final map or a separate sheet to be recorded with the final map and shall be included on the subdivision improvement plan, subdivision grading permit, and in the CC&Rs stating that:

The following reports have been prepared for the Rancho Cañada Village project:

- Geotechnical Reports;
- Hydro-geological Reports
- Drainage Reports;
- Traffic Reports;
- Archaeological Reports;
- Air Quality Reports;
- Noise Impact Analysis;
- Biological Resources Reports;
- Foresters Reports;

These reports are on file in Monterey County HCD - Planning. Recommendations contained in said reports shall be followed in further development of this property.

The note shall be located in a conspicuous location, subject to the approval of the County Surveyor.

(HCD - Planning)

Compliance or Monitoring Action to be Performed: Prior to recordation of final/parcel map, the Owner Applicant shall submit the final map with notes to the HCD - Planning and Engineering Services on behalf of Public Works for review and approval.

8. PD032(A) - PERMIT EXPIRATION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The permit shall be granted for a time period of 3 years, to expire on ____ 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 construction permit and/or record Final Map to the satisfaction of the HCD - Chief of 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: RMA-Planning

Condition/Mitigation Monitoring Measure: A note shall be placed on the subdivision improvement plans and the 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 Final Map. The note shall be located in a conspicuous manner subject to the approval of the HCD Engineering Services on behalf of Public Works. (HCD - Planning)

Compliance or Monitoring Action to be Performed: Prior to recording the 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 Subdivision Improvement Agreement for the underground utility facilities.

10. 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: Prior to 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 Housing and Community Development – Planning Department for review and signature by the Chief of Planning or his or her designee.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to County of Monterey Housing and Community Development – Planning. Owner/applicant is responsible for all costs of recordation.

11. 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 construction 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.

12. 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.

13. RESERVED

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure:

Compliance or Monitoring Action to be Performed:

14. RESERVED

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure:

Compliance or Monitoring Action to be Performed:

15. CLOMR APPLICATION

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall obtain a FEMA Conditional Letter of Map Revision (CLOMR). The CLOMR application and all associated materials, including the hydraulic analysis, shall be provided to Housing and Community Development for review and approval. When approved by the Housing and Community Development, the application package will be forwarded to FEMA for their review and approval. (HCD - Environmental Services)

Compliance or Monitoring Action to be Performed: Prior to issuance of construction permits, the owner/applicant shall submit a copy of the CLOMR application and supporting documents to Housing and Community Development for review and approval.

16. FEMA LETTER OF MAP REVISION BASED ON FILL

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall obtain a FEMA Letter of Map Revision Based on Fill (LOMR-F) officially removing a portion of the property from the FEMA-defined 100-year floodplain.
(HCD - Environmental Services)

Compliance or Monitoring Action to be Performed: Prior to issuance of any construction permits for the proposed residences, the applicant shall submit a LOMR-F application to FEMA.

17. OTHER AGENCY PERMITS

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: Prior to issuance of the permit, the applicant shall provide proof of coverage for all required State and Federal permits, including the California Department of Fish and Wildlife. The applicant shall submit any associated permits to HCD -Environmental Services. (HCD - Environmental Services)

Compliance or Monitoring Action to be Performed: Prior to issuance of construction permits, the owner/applicant shall submit proof of any required permits to HCD - Environmental Services for review and approval.

18. RESERVED

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure:

Compliance or Monitoring Action to be Performed:

19. FIRE001 - ROAD ACCESS**Responsible Department:** Fire

Condition/Mitigation Monitoring Measure: Access roads shall be required for every building when any portion of the exterior wall of the first story is located more than 150 feet from fire department access. All roads shall be constructed to provide a minimum of two nine-foot traffic lanes with an unobstructed vertical clearance of not less than 15 feet. The roadway surface shall provide unobstructed access to conventional drive vehicles including sedans and fire apparatus and shall be an all-weather surface designed to support the imposed load of fire apparatus (22 tons). Each road shall have an approved name.

Responsible Land Use Department: Cypress Fire Protection District

Compliance or Monitoring Action to be Performed: Prior to issuance of construction permits, the Applicant shall incorporate the specification of the roadway into design and print the text of this condition as Fire Department Notes on plans.

Prior to requesting a final building inspection, the Applicant shall complete the installation of roadway improvements and obtain fire department approval the final fire inspection.

20. FIRE002 - ROADWAY ENGINEERING**Responsible Department:** Fire

Condition/Mitigation Monitoring Measure: The grade for all roads shall not exceed 15 percent. Where road grades exceed 8 percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The length of vertical curves in roadways, exclusive of gutters, ditches and drainage structures designed to hold or divert water, shall not be less than 100 feet. No roadway turn shall have a horizontal inside radius of less than 50 feet. A roadway turn radius of 50 to 100 feet is required to have an additional 4 feet of roadway surface. A roadway turn radius of 100 to 200 feet is required to have an additional 2 feet of roadway surface. Roadway turnarounds shall be required on dead-end roads in excess of 150 feet of surface length. The minimum turning radius for a turnaround shall be 40 feet from the center line of the road. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length. Responsible Land Use Department: Cypress Protection Fire District

Compliance or Monitoring Action to be Performed: Prior to issuance of grading and/or building permits, the Applicant shall incorporate the specification of the roadway into design and print the text of this condition as 'Fire Department Notes' on improvement plans.

Prior to issuance of building permit(s) for development on individual lots within the phase of the subdivision, the Applicant shall complete the installation of the roadway improvements and shall obtain fire dept. approval of the fire clearance inspection for each phase of development.

Prior to requesting a final building inspection, the Applicant shall complete the installation of roadway improvements and obtain fire department approval the final fire inspection.

21. FIRE007 - DRIVEWAYS

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: Driveways shall not be less than 12 feet wide unobstructed, with an unobstructed vertical clearance of not less than 15 feet. The grade for all driveways shall not exceed 15 percent. Where the grade exceeds 8 percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The driveway surface shall be capable of supporting the imposed load of fire apparatus (22 tons), and be accessible by conventional-drive vehicles, including sedans. For driveways with turns 90 degrees and less, the minimum horizontal inside radius of curvature shall be 25 feet. For driveways with turns greater than 90 degrees, the minimum horizontal inside radius curvature shall be 28 feet. For all driveway turns, an additional surface of 4 feet shall be added. All driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided at no greater than 400-foot intervals. Turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum of 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the center line of the driveway. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length.
Responsible Land Use Department: Cypress Fire Protection District

Compliance or Monitoring Action to be Performed: Prior to issuance of grading and/or building permits, the Applicant shall incorporate the specification of the driveway into design and print the text of this condition as "Fire Department Notes" on plans.

Prior to requesting a final building inspection, the Applicant shall complete the installation of driveway improvements and obtain fire department approval the final fire inspection.

22. FIRE010 -ROAD SIGNS

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: All newly constructed or approved roads and streets shall be designated by names or numbers, posted on signs clearly visible and legible from the roadway. Size of letters, numbers and symbols for street and road signs shall be a minimum 4-inch letter height, 1/2-inch stroke, and shall be a color that is reflective and clearly contrasts with the background color of the sign. All numerals shall be Arabic. Street and road signs shall be non-combustible and shall be visible and legible from both directions of vehicle travel for a distance of at least 100 feet. Height, visibility, legibility, and orientation of street and road signs shall be meet the provisions of Monterey County Ordinance No. 1241. This section does not require any entity to rename or renumber existing roads or streets, nor shall a roadway providing access only to a single commercial or industrial occupancy require naming or numbering. Signs required under this section identifying intersecting roads, streets and private lanes shall be placed at the intersection of those roads, streets and/or private lanes. Signs identifying traffic access or flow limitations (i.e., weight or vertical clearance limitations, dead-end road, one-way road or single lane conditions, etc.) shall be placed: (a) at the intersection preceding the traffic access limitation; and (b) not more than 100 feet before such traffic access limitation. Road, street and private lane signs required by this article shall be installed prior to final acceptance of road improvements by the Reviewing Fire Authority. Responsible Land Use Department: Cypress Fire Protection District

Compliance or Monitoring Action to be Performed: Prior to filing of the final map, the Applicant shall incorporate the road sign specification into design and print the text of this condition as "Fire Department Notes" improvement plans.

Prior to issuance of building permit(s) for development on individual lots within the phase of the subdivision, the Applicant shall complete the installation of road signs and shall obtain fire dept. approval of the fire clearance inspection for each phase of development.

23. FIRE011 - ADDRESSES FOR BUILDINGS

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be visible and legible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. Responsible Land Use Department: Cypress Fire Protection District

Compliance or Monitoring Action to be Performed: Prior to issuance of building permit, Applicant shall incorporate specification into design and print the text of this condition as "Fire Dept. Notes" on plans.

Prior to requesting a final building inspection, Applicant shall install the required address signage and shall obtain fire department approval of the fire department final inspection.

24. FIRE012 - EMERGENCY WATER STANDARDS - WATER SYSTEMS

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: The provisions of this condition shall apply when new parcels are approved by a local jurisdiction. The emergency water system shall be available on-site prior to the completion of road construction, where a community water system is approved, or prior to the completion of building construction, where an individual system is approved. Approved water systems shall be installed and made serviceable prior to the time of construction. Water systems constructed, extended or modified to serve a new development, a change of use, or an intensification of use, shall be designed to meet, in addition to average daily demand, the standards shown in Table 2 of the Monterey County General Plan, NFPA Standard 1142, or other adopted standards. The quantity of water required pursuant to this chapter shall be in addition to the domestic demand and shall be permanently and immediately available Responsible Land Use Department: Cypress Fire Protection District

Compliance or Monitoring Action to be Performed: Prior to issuance of building permit, Applicant shall incorporate specification into design and print the text of this condition as "Fire Dept. Notes" on improvement plans.

Prior to issuance of building permit(s) for development on individual lots within the phase of the subdivision, the Applicant shall complete the installation of water system improvements and shall obtain fire dept. approval of the fire clearance inspection for each phase of development.

25. FIRE014 - EMERGENCY WATER STANDARDS - FIRE PROTECTION WATER SUPPLY - (SINGLE PARCEL)

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: For development of structures totaling less than 3,000 square feet on a single parcel, the minimum fire protection water supply shall be 4,900 gallons. For development of structures totaling 3,000 square feet or more on a single parcel, the minimum fire protection water supply shall be 9,800 gallons. For development of structures totaling more than 10,000 square feet on a single parcel, the reviewing authority may require additional fire protection water supply. Other water supply alternatives, including ISO Rural Class 8 mobile water systems, may be permitted by the fire authority to provide for the same practical effect. The quantity of water required by this condition shall be in addition to the domestic demand and shall be permanently and immediately available. Responsible Land Use Department: Cypress Fire Protection District

Compliance or Monitoring Action to be Performed: Prior to issuance of grading and/or building permit, Applicant shall incorporate specification into design and print the text of this condition as "Fire Dept. Notes" on plans.

Prior to requesting a final building inspection, the Applicant shall complete the installation of the water system improvements and shall obtain fire department approval of the final fire inspection.

26. FIRE015 - FIRE HYDRANTS/FIRE VALVES
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Responsible Department: Fire

Condition/Mitigation Monitoring Measure: A fire hydrant or fire valve is required. The hydrant or fire valve shall be 18 inches above grade, 8 feet from flammable vegetation, no closer than 4 feet and no further than 12 feet from a roadway, and in a location where fire apparatus using it will not block the roadway. The hydrant serving any building shall be not less than 50 feet and not more than 1000 feet by road from the building it is to serve. Minimum hydrant standards shall include a brass head and valve with at least one 2 1/2 inch National Hose outlet supplied by a minimum 4 inch main and riser. More restrictive hydrant requirements may be applied by the Reviewing Authority. Each hydrant/valve shall be identified with a reflectorized blue marker, with minimum dimensions of 3 inches, located on the driveway address sign, non-combustible post or fire hydrant riser. If used, the post shall be within 3 feet of the hydrant/valve, with the blue marker not less than 3 feet or greater than 5 feet above the ground, visible from the driveway. On paved roads or driveways, reflectorized blue markers shall be permitted to be installed in accordance with the State Fire Marshal's Guidelines for Fire Hydrant Markings Along State Highways and Freeways, May 1988. Responsible Land Use Department: Cypress Fire Protection District

Compliance or Monitoring Action to be Performed: Prior to issuance of grading and/or building permit, Applicant shall incorporate specification into design and print the text of this condition as "Fire Dept. Notes" on construction plans.

Prior to requesting a final building inspection, the Applicant shall complete the installation of the water system improvements and shall obtain fire department approval of the final fire inspection.

27. FIRE017 - DISPOSAL OF VEGETATION AND FUELS

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: Disposal, including chipping, burying, or removal to a landfill site approved by the local jurisdiction, of vegetation and debris caused by site development and construction, road and driveway construction, and fuel modification shall be completed prior to final clearance of the related permit. Responsible Land Use Department: Cypress Fire Protection District

Compliance or Monitoring Action to be Performed: Prior to issuance of grading and/or building permit, Applicant shall incorporate specification into design and print the text of this condition as "Fire Dept. Notes" on construction plans.

Prior to requesting a final building inspection, the Applicant shall complete the vegetation management and disposal and shall obtain fire department approval of the final fire inspection.

28. FIRE018 - GREENBELTS

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: Subdivisions and other developments, which propose greenbelts as a part of the development plan, shall locate said greenbelts strategically as a separation between wildland fuels and structures. The locations shall be approved by the Reviewing Authority. Responsible Land Use Department: Cypress Fire Protection District

Compliance or Monitoring Action to be Performed: Prior to filing of final map for subdivisions, Applicant shall incorporate specification into the improvement plans and print the text of this condition as "Fire Dept. Notes" on the improvement plans.

Prior to issuance of building permits, Applicant shall complete the greenbelt(s) and shall obtain fire department approval of the subdivision improvements.

29. RESERVED

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure:

Compliance or Monitoring Action to be Performed:

30. RESERVED

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure:

Compliance or Monitoring Action to be Performed:

31. RESERVED

Responsible Department: RMA-Planning

**Condition/Mitigation
Monitoring Measure:**

**Compliance or
Monitoring
Action to be Performed:**

32. RESERVED

Responsible Department: RMA-Planning

**Condition/Mitigation
Monitoring Measure:**

**Compliance or
Monitoring
Action to be Performed:**

33. EHSP01- DESIGN WATER SYSTEM IMPROVEMENTS (NON-STANDARD)

Responsible Department: Health Department

**Condition/Mitigation
Monitoring Measure:** The applicant shall design the water system improvements to meet the standards as found in Titles 17 and 22 of the California Code of Regulations and as found in the Residential Subdivision Water Supply Standards. (Environmental Health)

**Compliance or
Monitoring
Action to be Performed:** Prior to recordation of the first final map, the applicant shall submit engineered plans for water system improvements to the State Water Resources Control Board – Division of Drinking Water (DDW) and California American Water Company – Monterey water system for review and verification of conformance with standards. Submit documentation indicating acceptance to the Environmental Health Bureau.

34. RESERVED

Responsible Department: RMA-Planning

**Condition/Mitigation
Monitoring Measure:**

**Compliance or
Monitoring
Action to be Performed:**

35. EHSP02 – 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. (Environmental Health)

Compliance or Monitoring Action to be Performed: Prior to recordation of the first final map, install the water system improvements to and within the subdivision and any appurtenances needed and obtain approval of installation California American Water Company – Monterey water system.

OR

Prior to recordation of the first final map, provide Environmental Health Bureau with a draft of the Subdivision Improvement Agreement for review and approval. Record the approved Subdivision Improvement Agreement concurrent with the first final map.

36. EHSP03 - 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 first final map, 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 water system plans verified by the State Water Resources Control Board - Division of Drinking Water to meet the standards of Titles 17 and 22 and signed or wet-stamped by the local fire protection agency to the Environmental Health Bureau for review and acceptance.

37. EHSP04 - WELL AND WATER SYSTEM EASEMENTS (NON-STANDARD)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: The Final Map shall denote easements for existing and proposed California American Water Company – Monterey water system infrastructure, including but not limited to the proposed alternative well site on Well Site Parcel #1, existing well(s), water distribution pipelines, tank(s) and access easement(s). Well lots and easements shall appear as part of the final map and shall meet the requirements of Monterey County Code, Section 15.04.050 and the California Code of Regulations, Title 22, Chapter 16, Section 64560 (Water Works Standards).

Compliance or Monitoring Action to be Performed: Prior to filing the first final map, the applicant shall submit a draft of the final map to the Environmental Health Bureau for review and acceptance.

38. EHSP05 – WELL(S) NOT IN SERVICE (NON-STANDARD)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Pursuant to State of California Bulletin 74-90, and Chapter 15.08 of the Monterey County Code, a well is considered abandoned if it has not been used for one year, unless the owner demonstrate intention to use the well again. The well owner shall properly maintain an inactive well as evidence of intention for future use in accordance with the standards of Bulletin 74-90.

Compliance or Monitoring Action to be Performed: Prior to filing the first final map, the applicant shall submit to the Environmental Health Bureau (“EHB”) a log of all wells associated with the project, including but not limited to domestic or irrigation water wells, which specifies the status of each well (active/inactive) and its long-term operational plan.

The EHB will determine if any well(s) is considered abandoned and in need of destruction. As determined necessary by the EHB, a CA licensed well drilling contractor shall obtain a well destruction permit from the Environmental Health Bureau on behalf of the property owner and destroy the well.

39. EHSP06 – SEWER SYSTEM IMPROVEMENTS: DESIGN (NON-STANDARD)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Engineered plans for the sewer system, including all necessary appurtenances, shall be submitted to and accepted by the Carmel Area Wastewater District and the Environmental Health Bureau. Plans shall be in conformance with Monterey County Code, Chapter 19.13 and the California Code of Regulations, Title 24, Part 5 (California Plumbing Code).

Compliance or Monitoring Action to be Performed: Prior to filing the first final map, the applicant shall submit sewer system improvement plans to Environmental Health Bureau (“EHB”) and the Carmel Area Wastewater District (“CAWD”) for review and acceptance. Submit evidence to the EHB that plans have been reviewed and is acceptable to CAWD.

40. EHSP07 – SEWER SYSTEM IMPROVEMENTS: INSTALL/BOND (NON-STANDARD)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: The applicant shall install the approved 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 first final parcel map, the applicant shall install the sewer system improvements to and within the subdivision and any appurtenances needed and obtain approval of installation from the Carmel Area Wastewater District (“CAWD”). Submit evidence of approval by CAWD to the Environmental Health Bureau (“EHB”).

OR

Prior to recordation of the first final map, the applicant shall provide EHB with a draft of the Subdivision Improvement Agreement for review and approval. Record the Subdivision Improvement Agreement with the first final map.

41. PW0001 - ROADWAY IMPROVEMENT**Responsible Department:** RMA-Public Works**Condition/Mitigation Monitoring Measure:** Obtain an encroachment permit from Housing and Community Development and construct roadway connections to Rio Road. The design and construction is subject to the approval of Housing and Community Development.**Compliance or Monitoring Action to be Performed:** Prior to or concurrent with issuance of building or grading permits, Owner/Applicant shall obtain an encroachment permit from HCD. Improvements are to be completed prior to occupancy or commencement of use. Applicant is responsible to obtain all permits and environmental clearances.**42. PW0014 - DRAINAGE IMPROVEMENT STUDY****Responsible Department:** RMA-Public Works**Condition/Mitigation Monitoring Measure:** Provide an on-site/off-site drainage improvement study prepared by a registered Civil Engineer. Study to include analysis of Drainage Area 27, the study to be approved by HCD - Engineering Services on behalf of Public Works and/or the Water Resources Agency and shall be incorporated in the improvement plans. NOAA National Marine Fisheries Service (NOAA Fisheries) will review the plan and make recommendations to better achieve protections of protected species.**Compliance or Monitoring Action to be Performed:** Prior to Building/Grading Permits Issuance or recordation of Final Map, Applicant's Engineer shall prepare drainage study and improvement plans for review and approval by HCD Engineering Services on behalf of Public Works. Evidence must be provided that the drainage study and improvement plans were submitted to NOAA Fisheries for input to minimize potential harm to protected species.**43. PW0015 – UTILITY'S COMMENTS****Responsible Department:** RMA-Public Works**Condition/Mitigation Monitoring Measure:** Submit the approved tentative map to impacted utility companies. Subdivider shall submit utility company recommendations, if any, to HCD - Engineering Services on behalf of Public Works for all required easements.**Compliance or Monitoring Action to be Performed:** Prior to Recordation of Map Owner/Applicant/Subdivider shall provide tentative map to impacted utility companies for review. Subdivider shall submit utility comments to HCD Engineering Services on behalf of Public Works.**44. PW0016 - MAINTENANCE OF SUBDIVISIONS****Responsible Department:** RMA-Public Works**Condition/Mitigation Monitoring Measure:** Subdivider shall pay for all maintenance and operation of subdivision improvements from the time of installation until acceptance of the improvements for the Subdivision as computed by the Board of Supervisors in accordance with the subdivision improvement agreement and until a homeowners association or other agency with legal authorization to collect fees sufficient to support the services is formed to assume responsibility for the services.**Compliance or Monitoring Action to be Performed:** As an ongoing condition Subdivider shall be responsible to maintain improvements until maintenance is assumed by another entity.

45. PW0017 - DRAINAGE EASEMENT

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: Designate all drainage easements and natural drainage channels on the Final Map.

Compliance or Monitoring Action to be Performed: Prior to Recordation of a Final Map Subdivider's surveyor shall identify and designate easements and natural drainage easements on the Final Map. Easements shall be dedicated as required by county.

46. PW0019 - EROSION, CONTROL

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: Improvement and grading plans shall include implementation schedule of measures for the prevention and control of erosion, siltation, and dust during and immediately following construction, and until erosion control planting becomes established.

Compliance or Monitoring Action to be Performed: Prior to Recordation of a Final Map Subdivider's Engineer shall include measures on improvement and grading plans and submit plans for county approval.

47. PW0020 - PRIVATE ROADS

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: Designate all subdivision roads as private roads.

Compliance or Monitoring Action to be Performed: Ongoing condition, Subdivider's Surveyor shall designate private roads on Final Map.

48. PW0021 - ROAD NAMES

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: Submit all proposed road names to HCD Engineering Services on behalf of Public Works for approval by County Communications.

Compliance or Monitoring Action to be Performed: Prior to Recordation of a Final Map, Subdivider shall submit proposed road names to HCD Engineering Services on behalf of Public Works. HCD will submit to County Communications for Approval.

49. PW0030 - HOMEOWNERS ASSOCIATION

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: Form a homeowners association, community services district, or other entity for road and drainage maintenance. Prepare an operation and maintenance plan for all facilities. Implement a fee program to fund operation and maintenance, and have appropriate documentation recorded against each parcel within the subdivision.

Compliance or Monitoring Action to be Performed: Prior to recordation of a Final Map, Subdivider shall submit documentation to HCD Engineering Services on behalf of Public Works and WRA for formation of homeowners association or other entity to maintain roads and drainage improvements.

50. PW0032 - AS BUILT PLANS

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: A Registered Civil Engineer shall file as built plans (originals) in HCD Engineering Services on behalf of Public Works with a letter certifying improvements have been made in conformance to improvement plans and local ordinance.

Compliance or Monitoring Action to be Performed: Prior to Release of Bonds Subdivider/Engineer shall submit as built plans and stamped notice of completion letter to HCD - Engineering Services on behalf of Public Works for review and approval.

51. PW0036 – EXISTING EASEMENTS AND ROW

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: Provide for all existing and required easements or rights of way.

Compliance or Monitoring Action to be Performed: Prior to recordation of the Subdivision Map, Subdivider's Surveyor shall include all existing and required easements or rights of way on Final Map.

52. PWSP01 – NON-STANDARD

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: The owner/applicant shall construct intersection improvements, such as, but not limited to, a traffic signal or roundabout at Carmel Valley Road and Rio Road (project's proposed access). The design and construction is subject to the approval of Housing and Community Development (HCD) - Engineering Services on behalf of Public Works.

Compliance or Monitoring Action to be Performed: Prior to building/grading permit issuance, the owner/applicant shall submit improvement plans for HCD - Engineering Services on behalf of Public Works approval. Construct improvements prior to occupancy or commencement of use. Applicant is responsible to obtain all necessary additional right of way, permits and environmental clearances.

53. PWSP02 – ENCROACHMENT NON-STANDARD

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: Obtain an encroachment permit from the Housing and Community Development (HCD) Engineering Services on behalf of Public Works and construct intersection improvements at Carmel Valley Road and Rio Road.

Compliance or Monitoring Action to be Performed: Prior to Building/Grading Permit Issuance Owner/Applicant shall obtain an encroachment permit from HCD Engineering Services on behalf of Public Works and complete improvement prior to occupying or commencement of use. Applicant is responsible to obtain all permits and environmental clearances.

54. PWSP03 – SUBDIVISION IMPROVEMENTS

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: Prepare detailed improvement plans for approval by Housing and Community Development. Plans shall include, but not are limited to, utilities, roads, storm water, waste water, earthwork and grading. Roads shall be constructed in accordance with the typical section shown on the tentative map and as required by the County. Improvement security agreement for improvements not constructed shall be required prior to the acceptance of the Final Map.

Compliance or Monitoring Action to be Performed: Prior to Recordation of a Final Map, Subdivider shall submit improvement plans prepared by his Engineer to HCD Engineering Services on behalf of Public Works for review and approval. Subdivider shall enter into a subdivision improvement agreement to install improvements not constructed prior to acceptance of the Final Map. Improvements shall be bonded prior to recordation of Final Map.

55. PWSP04 – DRAINAGE IMPROVEMENTS

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: The applicant shall submit a drainage improvement plan incorporating the CSA50 Stormwater Management and Flood Control Report recommendations for drainage area number 27. Alternate drainage improvements may be considered, subject to Housing and Community Development approval. The drainage improvements shall be constructed in accordance with approved plans. Prior to the acceptance of a Final Map, Subdivider shall enter into a drainage improvement agreement. Subdivider shall pay for all maintenance and operation of drainage improvements from the time of installation until a homeowners association or other agency with legal authorization to collect fees sufficient to support the services is formed to assume responsibility or as provided in the drainage improvement agreement.

Compliance or Monitoring Action to be Performed: Prior to Recordation of a Final Map, Subdivider shall submit a drainage improvement plan prepared by a licensed engineer to HCD Engineering Services on behalf of Public Works for review and approval. Prior to acceptance of a Final Map, the Subdivider shall enter into a drainage improvement agreement to construct drainage improvements for drainage area number 27. Improvements shall be bonded prior to recordation of Final Map. Subdivider shall be responsible to maintain improvements until maintenance is assumed by another entity or as provided in the drainage improvement agreement. Consideration of provisions, if applicable, to address cost-sharing or fair-share contributions for improvements with regional benefits, dedication of easements, and annexation into county service area may be included in the drainage improvement agreement.

56. PWSP05 – BICYCLE/PEDESTRIAN PATHS

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: Improvement plans shall include on-site and off-site bicycle/pedestrian facilities, subject to the approval of Housing and Community Development.

Compliance or Monitoring Action to be Performed: Subdivider's Engineer shall include on-site and off-site bicycle/pedestrian facilities, including the connection along the levee from the project site to Rio Road. The site bicycle/pedestrian improvements shall be constructed in accordance with approved plans.

57. AES-1**Responsible Department:** RMA-Planning**Condition/Mitigation Monitoring Measure:** Mitigation Measure AES-1: Implement Measures to Reduce Light and Glare, and Visual Intrusion to Surrounding Land Uses and Other Public Viewpoints.

The project applicant shall implement the following measures during the construction of the project to reduce visual intrusion for existing residences and other public viewpoints:

- Retain mature trees and existing woody vegetation to the maximum extent feasible;
- Use non-reflective building materials to minimize glare and obtrusiveness;
- Provide a vegetative buffer around the periphery of the project site to provide screening from adjacent residents.

Vegetation should be chosen and planted to be compatible with patterns of existing vegetation. Vegetation shall be planted concurrent with residential development. The applicant shall prepare a landscaping plan which will be reviewed and approved by Monterey County prior to the issuance of any building permits that provides vegetative buffers in the locations noted below. In each case, the buffer area will be planted in native tree/shrub/scrub cover with locally derived stock. The purpose of this buffer is to obscure the residential buildings to the maximum extent feasible without adding any additional height obstructions. Buffers will be provided in the following areas:

- The Western edge of the project north of Rio Road will have a planted buffer to shield views of the new residences from Val Verde Drive and residences.

- The northern edge of the Rio Road extension to the west will have a planted buffer to shield views of the new residences from road users and the Riverwood Complex.

- Where not already planted in a sufficiently dense vegetated cover to shield views, the project boundary with Carmel Middle School will have a planted buffer to shield views from the school and the public users of the school.

- The Homeowner's Association (HOA) or other entity responsible for common landscaping areas outside of residential units shall ensure that all required planting shall be permanently maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with applicable landscaping requirements.

Compliance or Monitoring Action to be Performed: Add as a note to the final map.

On an on-going basis, all landscaped areas and fences shall be continuously maintained by the owner/applicant or successor(s) of interest; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.

58. AIR-1

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: AIR-1: Prohibit Wood-Burning Fireplaces.

To reduce operational ROG, CO, and PM10 emissions, the Project Applicant will ensure that no wood-burning fireplaces will be permitted in any proposed residential units.

Compliance or Monitoring Action to be Performed: Prior to recordation of the Final Map, this mitigation measure and its requirements shall be shown as a Note on the Map.

59. RESERVED

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure:

Compliance or Monitoring Action to be Performed:

60. RESERVED

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure:

Compliance or Monitoring Action to be Performed:

61. BIO-4**Responsible Department:** RMA-Planning**Condition/Mitigation Monitoring Measure:** BIO-4: Conduct Mandatory Contractor/Worker Awareness Training for Construction Personnel.

Before any work occurs in the project area, a qualified biologist will conduct mandatory contractor/worker awareness training for construction personnel. The awareness training will be provided to all construction personnel to brief them on the need to minimize impacts on riparian woodland (see Mitigation Measure BIO-3). If new construction personnel are added to the Project, the contractor will ensure that the personnel receive the mandatory training before starting work. The Applicant/Owner will be responsible for implementing this measure. Documentation of this measure, such as a training attendance sheet signed by construction personnel, will be kept on file by the applicant to demonstrate to the County that the measure has been implemented. This measure is not required for construction on individual residential lots after vegetation clearance and initial grading.

Compliance or Monitoring Action to be Performed: Prior to Recordation of any Final Map, this mitigation measure and its requirements shall be shown as Note on the Final Map.

Prior to issuance of grading and/or building permits, the Applicant/Owner shall submit proof that a qualified biologist has been retained to develop and provide the required awareness training for all construction personnel. A training attendance sheet signed by all construction personnel shall be submitted to HCD - Planning as proof that training was provided as required.

62. BIO-1

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: BIO-1: Provide Funding Assurances and Reporting Concerning Restoration Progress and Success

The Applicant or successor(s) in interest will fully implement the proposed 2018 Restoration Plan (upon approval of the Project) or newly developed and approved restoration plan (as modified by mitigation requirements in this document), provide funding assurances to the County to guarantee the completion of the proposed restoration prior to issuance of the first building permit for the site (to ensure completion of the restoration regardless of the completion of the residential development), provide annual monitoring of restoration progress to the County until the 10-year success criteria are met, provide contingency funding guarantees to implement contingency plans in the event the 2018 Restoration Plan is not effective.

Compliance or Monitoring Action to be Performed: Prior to Recordation of a Final Map, this mitigation measure and its requirements shall be shown as a Note on the map.

Prior to issuance of the first building permit on the site, the Project Applicant shall submit proof of funding assurance and the ability to implement the required restoration plan, to HCD - Planning for review and approval.

After completion of the restoration activities, the Project Applicant shall submit yearly reports, for a period of 10-years consecutive years, demonstrating that restoration was successful. Successful restoration shall be accomplished for ten consecutive years before this mitigation measure is complete.

63. BIO-2**Responsible Department:** RMA-Planning**Condition/Mitigation Monitoring Measure:** BIO-2: Restore Riparian Forest/Woodland Concurrent with Impact to Compensate for the Permanent Loss of Riparian Forest Habitat.

The Applicant or successor in interest will compensate for the permanent loss of approximately 0.06 acre of riparian forest/woodland habitat associated with the Rio Road east and west extensions through onsite restoration/creation of forested riparian habitat in accordance with the proposed 2018 Restoration Plan or newly developed and approved restoration plan for the Project. The restoration will be done on a minimum 3:1 ratio (for a total of 0.18 acre of restoration) so as to compensate for the temporary reduction in habitat while the restored habitat vegetation grows to maturity. Habitat restoration will be consistent with the proposed 2018 Restoration Plan or newly developed and approved restoration plan. Replacement of riparian trees (i.e., willows, cottonwoods, and western sycamores) will be done concurrent with any removals and will be done at a ratio greater than 1:1 (as shown in Table 2, Zander 2018) so as to compensate for the temporary reduction in habitat value while the replanted trees mature. In addition, given the difficulty to replicate mature cottonwoods in a floodplain, a minimum of 25% of the existing mature cottonwoods to be removed will be moved and transplanted in the restoration area to provide for mature vegetation cover in the restoration area in the interim period between Project impact and full implementation of the 2018 Restoration Plan or newly developed and approved restoration plan.

Compliance or Monitoring Action to be Performed: Prior to recordation of the Final Map, this mitigation measure and its requirements shall be shown as a Note on the Map.

Prior to issuance of grading and/or building permits, the Project Applicant shall submit proof that a detailed plan has been developed and will be implemented to remove, relocate, and replant trees in the restoration area based on the required replacement criteria.

64. BIO-3**Responsible Department:** RMA-Planning**Condition/Mitigation
Monitoring Measure:** BIO-3: Minimize Disturbance of Riparian Forest and Woodland

Riparian forest and woodland outside of the construction footprint will be protected from disturbance. Prior to construction, the Applicant or successor in interest will secure the services of a qualified botanist to erect environmentally sensitive area fencing (orange construction barrier fencing) around riparian forest and woodland areas near the construction area, to identify and protect these sensitive resources. The location of the fencing will be marked in the field with stakes and flagging and shown on the construction drawings. The construction specifications will contain clear language that prohibits construction-related activities, vehicle operation, material and equipment storage, and other surface-disturbing activities within the fenced environmentally sensitive area. The Applicant or successor(s) in interest will demonstrate to the County HCD - Planning prior to construction that a qualified biologist has identified and fenced environmentally sensitive areas.

**Compliance or
Monitoring
Action to be Performed:** Prior to recordation of a Final Map, this mitigation measure and its requirements shall be shown as a Note on the Map.

Prior to issuance of grading and/or building permits, the Project Applicant shall submit proof the HCD -Planning that environmentally sensitive area fencing has been installed in the appropriate areas, as determined by a qualified botanist.

65. RESERVED**Responsible Department:** RMA-Planning**Condition/Mitigation
Monitoring Measure:****Compliance or
Monitoring
Action to be Performed:**

66. BIO-5**Responsible Department:** RMA-Planning**Condition/Mitigation Monitoring Measure:** BIO-5: Restore or Create Wetland and Pond Habitat to Mitigate Permanent Loss of Waters of the United States and State.

In order to ensure that implementation of the Project plan results in no net loss of wetland habitat functions and values, prior to construction the Applicant/Owner or successor(s) of interest will compensate for the loss of pond and wetland habitat through onsite and/or offsite creation of both pond and wetland habitat. A Restoration Plan for the Project will be developed upon project approval to compensate for the loss of wetlands and waters of the United States and state. The size and location(s) of the area(s) to be restored/created will be based on appropriate mitigation ratios derived in consultation with the regulatory agencies. Mitigation ratios will be at least 1:1. If onsite pond creation on the remnant golf course is preferred, it would be appropriate because the Project impacts are to golf course ponds with a mix of adjacent golf course fairway and disturbed coyote brush scrub.

Options for the restoration locations include:

- Onsite Habitat Preserve – The 2018 Restoration Plan for the Project includes suitable breeding ponds for CRLF and/or FYLF within the habitat preserve. The 2018 Restoration Plan proposal for provision of upland habitat would provide sufficient adjacent upland habitat to the created ponds that can be managed for the the benefit of CRLF and/or FYLF.
- Onsite in Remnant Golf Course – Create new wetland and pond habitat on the retained portions of the former golf course south of the Carmel River as compensation for the Project effect.
- Palo Corona Regional Park – There are suitable locations in the nearby Palo Corona Regional Park for creation of wetland and pond habitat.

Because the site is already controlled by the Regional Park District, the Applicant or successor(s) in interest would be responsible to construct the creation of the wetland and pond habitat and to fund the management of the habitat in perpetuity.

If onsite pond creation on the remnant golf course is preferred, it would be appropriate because the Project impacts are to golf course ponds with a mix of adjacent golf course fairway and disturbed coyote brush scrub.

The Applicant/Owner or successor(s) of interest will submit and receive approval of a formal proposal to the County for creation, management, and preservation of pond(s) in compliance with this measure prior to issuance of any grading and/or building permit for this Project. The Applicant/Owner will obtain all necessary regulatory permits and landowner approvals to implement this measure prior to construction.

Compliance or Monitoring Action to be Performed: Prior to recordation of a Final Map, this mitigation measure and its requirements shall be shown as a Note on the Final Map.

Prior to issuance of grading and/or building permits, the Applicant/Owner shall submit a formal proposal for the creation, management, and preservation of pond(s) for review and approval.

67. BIO-6

Responsible Department: RMA-Planning

**Condition/Mitigation
Monitoring Measure:** BIO-6: Compensate for Removal of Protected Trees

The Applicant or successor in interest will replace protected trees at a minimum ratio of 1:1 in upland areas and planting will be concurrent with tree removal. Any trees planted as remediation for failed plantings will be planted as stipulated here for original plantings, and will be monitored for a period of 5 years following installation.

**Compliance or
Monitoring
Action to be Performed:** Prior to Recordation of a Final Map, this mitigation measure and its requirements shall be shown as note on the Map.

The owner/applicant or successor(s) of interest shall submit monitoring reports for original and remediation plantings to HCD - Planning annually for five years.

68. BIO-7**Responsible Department:** RMA-Planning**Condition/Mitigation Monitoring Measure:** BIO-7: Conduct Formal Site Assessment and Consult with U.S. Fish and Wildlife Service and/or California Department of Fish and Wildlife to Determine if Protocol-Level Surveys are Necessary OR Assume CRLF and/or FYLF Presence.

Prior to the beginning of construction, the applicant /owner or successor(s) of interest will retain qualified biologists to conduct a formal site assessment for CRLF and/or FYLF according to FWS' Revised Guidance on Site Assessments and Field Surveys for the California Red-legged Frog (August 2005) and/or DFW's A Standardized Protocol for Surveying Aquatic Amphibians (May 1995). The site assessment includes assessing the project area and a 1-mile area around the project area. The assessment will include the adjacent CMS pond/wetland and adjacent annual grassland area. The results of the site assessment will be submitted to the Ventura FWS field office and/or the DFW Monterey Regional Office, which will determine if protocol -level surveys are necessary. If these surveys are determined to be necessary, they will be conducted according to the guidelines and a report of the survey results will be submitted to FWS and/or DFW. Based on the results of the site assessment and surveys, FWS and/or DFW would provide guidance on how the CRLF and/or FYLF should be addressed through the federal ESA Section 7 or Section 10 process. If CRLF and/or FYLF are not found during protocol-level surveys and FWS concurs with this negative finding for both the project site and the adjacent CMS habitat, no further mitigation would be necessary; however, it is uncertain if FWS and/or DFW would concur with this finding, given that red -legged frogs are known to occur in the Carmel River and CRLF are anecdotally reported at the CMS habitat site.

Alternatively, if acceptable to FWS and/or DFW, the applicant or successor in interest can assume that CRLF and/or FYLF are present and not do the surveys. If CRLF and/or FYLF are found, the FWS and/or DFW otherwise determines that the site is CRLF and/or FYLF habitat, or it is assumed that CRLF and/or FYLF are present, Mitigation Measures BIO-8 through BIO-10 will be implemented.

Compliance or Monitoring Action to be Performed: Prior to recordation of the Final map, this mitigation measure and its requirements shall be shown as a Note on the Map.

Prior to issuance of grading and/or building permits, the Applicant/owner shall submit proof, from a qualified biologist, that appropriate survey/site assessment that includes the project area and a 1-mile radius around the project area, including the adjacent CMS pond/wetland, was conducted. The results of the assessment shall be document and submitted to USFWS and/or DFW and HCD -Planning for review.

If additional surveys are required USFWS and/or DFW shall be consulted for guidance and that information relayed to HCD-Planning.

If resources are found Mitigation Measures BIO 8 through 10 shall be implemented.

69. BIO-8**Responsible Department:** RMA-Planning**Condition/Mitigation Monitoring Measure:** BIO-8: Restrict Filling of Ponds/Wetlands and Initial Ground-Disturbing Activities in CRLF and/or FYLF Habitat to the Dry Season (May 1 to October 15).

To minimize mortality of CRLF and/or FYLF eggs, larvae, and adults, the Applicant or successor(s) in interest would condition its contractor to only perform construction activities that would result in fill of ponds 1, 2, and 3, and the California bulrush wetland during May 1 through October 15. During this time of year, CRLF and/or FYLF would have left these areas to aestivate underground and would not be present. CRLF and/or FYLF may still be present at ponds during this time of year; however, the number of individuals is likely to be lower than earlier in the season. Therefore, prior to filling, ponds will be surveyed for CRLF and/or FYLF (see Mitigation Measure BIO-9). To minimize disturbance of breeding and dispersing CRLF and/or FYLF, initial construction activity (including grading) within and CRLF and/or FYLF upland habitat (as defined above) will be conducted during the dry season between May 1 and October 15 or before the onset of the rainy season, whichever occurs first. If construction activities are necessary in upland habitat between October 16 and April 30, the Applicant or successor in interest will notify the County and contact the FWS Ventura field office and/or the DFW Monterey Regional Office for approval to extend the work period.

Compliance or Monitoring Action to be Performed: Prior to recordation of a Final Map, this mitigation measure and its requirements shall be shown as a note on the Map.

Prior to issuance of grading and/or building permits, the project Applicant shall submit proof that no work will be conducted within the restricted time period, and /or that USFWS and/or DFW has agreed to an extended work period. Such proof from USFWS and/or DFW shall be in writing.

70. BIO-9**Responsible Department:** RMA-Planning**Condition/Mitigation
Monitoring Measure:** BIO-9: Conduct a Preconstruction Survey for CRLF and/or FYLF.

Prior to construction activities, the Applicant/Owner will condition its contractor to obtain the services of a qualified FWS-approved biologist. The biologist will conduct a preconstruction survey for CRLF and/or FYLF 2 weeks prior to the onset of work. The name and credentials of the biologist will be submitted to FWS and/or DFW for approval at least 15 days prior to the commencement of work. The survey will include all suitable breeding, foraging, cover, and aestivation habitat in the construction area. Aestivation areas adjacent to the work area will be fenced and avoided. If potential aestivation burrows cannot be avoided, they will be excavated by hand prior to construction and the approved biologist will move individuals to natural burrow sites within 0.25 mile of the construction site in accordance with a Biological Opinion or Habitat Conservation Plan from FWS and/or DEF that has been obtained for the Project. If a CRLF and/or FYLF is found within aquatic habitat, the biologist will contact FWS and/or DFW to determine if relocation of any life stages is appropriate. The biologist will document the results of the survey on construction survey log sheets, which will be kept on file at the County.

**Compliance or
Monitoring
Action to be Performed:** Prior to recordation of the Final Map, this mitigation measures and its requirements shall be shown as a note on the Map.

Prior to issuance of grading and/or building permits, the Applicant/Owner shall submit proof to HCD-Planning that a qualified USFWS and/or DFW approved biologist has been retained to perform required surveys in accordance with a Biological Opinion or Habitat Conservation Plan from FWS and/or DEF that has been obtained for the Project. Results of the survey shall be submitted to USFWS and/or DFW and HCD -Planning for review and approval.

71. BIO-10

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: BIO-10: Monitor Initial Ground-Disturbing Construction Activities within CRLF and/or FYLF Habitat.

The Applicant or successor(s) in interest will condition its contractor to retain the services of a qualified FWS-approved biologist to monitor initial ground-disturbing construction activities within CRLF and/or FYLF upland habitat. The biologist will look for CRLF and/or FYLF during grading, excavation, and vegetation removal activities. If a CRLF and/or FYLF is discovered, construction activities will cease until the frog has been removed from the construction area and released near aquatic habitat within 0.25 mile from the construction area. Any relocation of this species would require incidental take authorization through a Biological Opinion or Habitat Conservation Plan from the FWS and/or DFW.

Compliance or Monitoring Action to be Performed: Prior to recordation of the Final Map, this mitigation measure and its requirements shall be shown as Notes on the Map.

Prior to issuance of grading and/or building permits, the Project Applicant shall submit proof to USFWS and/or DFW and HCD - Planning that a qualified USFWS and/or DFW approved biologist has been retained to monitor ground disturbance activities with CRLF/FYLF habitat.

72. BIO-11

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: BIO-11: Compensate for the Removal and Disturbance of CRLF and/or FYLF Breeding Habitat.

The Applicant/Owner will compensate for the permanent loss of suitable breeding habitat for CRLF and/or FYLF by creating or preserving suitable aquatic habitat within a FWS-approved conservation area (and preserving adjacent upland habitat). The location and size of the compensation aquatic habitat area will be determined in consultation with FWS through the ESA Section 7 or Section 10 process, but under no circumstances should the compensation area be calculated on less than a 1:1 ratio (1 acre for each 1 acre lost) and potentially more if a greater ratio is determined by the FWS and/or DFW. The actual compensation ratio will be determined in consultation with FWS and/or DFW. The conservation area will be permanently restricted from development and will be managed for the benefit of CRLF and/or FYLF with funding for the management guaranteed in perpetuity. A management plan for the conservation area will be developed by the Applicant or successor in interest and approved by FWS and/or DFW and the County prior to construction.

Options for the restoration of suitable aquatic habitat include:

--Onsite Habitat Preserve – The 2018 Restoration Plan for the Project includes suitable breeding ponds for CRLF and/or FYLF within the habitat preserve. The 2018 Restoration Plan proposal for provision of upland habitat would provide sufficient adjacent upland habitat to the created ponds that can be managed for the benefit of the CRLF and/or FYLF.

--Onsite in Remnant Golf Course – Given that the project's effects are on a bulrush wetland with a mix of adjacent golf course fairway and disturbed coyote brush scrub and indirect effects due to blocking access to a pond on the adjacent school property, it would be appropriate to create a new pond or ponds within the proposed restoration areas or retained open space area as compensation for Project effects. The area south of the river is directly adjacent to the Palo Corona Regional Park and thus new ponds would have good connectivity to the river and to adjacent undeveloped upland habitat. In this scenario, the Applicant or successor in interest would be responsible to create, manage, and preserve the new pond or ponds only. The location of the ponds relative to the adjacent upland habitat would need to be approved by FWS and/or DFW.

--Palo Corona Regional Park – There are suitable locations in the nearby Palo Corona Regional Park for creation of aquatic habitat with adjacent suitable upland habitat. Because the site is already controlled by the Regional Park District, the Applicant or successor in interest would be responsible to construct the new pond or ponds and to fund the management of the ponds in perpetuity, but not the management of adjacent upland habitat.

Given the timing concerns noted above, the applicant or successor in interest will be required to create the new aquatic habitat concurrently with any disturbance to existing aquatic habitat and with any indirect effects to the potential CRLF and/or FYLF aquatic habitat offsite at the CMS pond/wetland site. The compensation pond(s) will be designed such that they do not provide suitable breeding habitat (i.e. perennial ponding) for bullfrogs, either through designing the pond to be seasonal or by including a drain in the pond design so that water can be drained in the late summer

or fall to limit bullfrog production.

The Applicant/Owner will submit to and receive approval of a formal proposal from the County for creation, management, and preservation of pond(s) in compliance with this measure prior to issuance of any building permit for this Project. The Project Applicant will obtain all necessary regulatory and landowner approvals to implement this measure prior to construction.

Compliance or Monitoring Action to be Performed:

Prior to Recordation of a Final Map, this mitigation measure and its requirements shall be shown as a note on the Map.

Prior to issuance of grading and/or building permits, the Applicant/Owner shall submit proof that a management plan for the conservation area has been developed and approved by USFWS and/or DFW. The management plan shall be reviewed and approved by HCD - Planning.

73. BIO-12

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure:

BIO-12: Conduct a Preconstruction Survey for Southwestern Pond Turtles and Monitor Construction Activities within Suitable Aquatic Habitat.

To avoid construction-related impacts on southwestern pond turtles, the Applicant or successor in interest will retain a qualified wildlife biologist to conduct a preconstruction survey for southwestern pond turtles no more than 48 hours before the start of construction within suitable aquatic habitat (as discussed above) and upland habitat (along the Carmel River and Intermittent Drainages 1 and 2). The wildlife biologist will look for adult pond turtles, in addition to nests containing pond turtle hatchlings and eggs. If an adult southwestern pond turtle is located in the construction area, the biologist will move the turtle to a suitable aquatic site, outside the construction area. If an active pond turtle nest containing either pond turtle hatchlings or eggs is found, the Applicant or successor in interest will consult DFW to determine and implement appropriate avoidance measures, which may include a "no-disturbance" buffer around the nest site until the hatchlings have moved to a nearby aquatic site.

In addition to the preconstruction survey, a qualified biological monitor will be present during initial construction activities within aquatic and upland habitat, as described above in Mitigation Measure-BIO-10. If a southwestern pond turtle is observed within the construction area, the biological monitor will attempt to capture and move the turtle to a suitable aquatic site, outside the construction area.

Compliance or Monitoring Action to be Performed:

Prior to Recordation of the Final Map, this mitigation measure and its requirements shall be shown as a Note on the Map.

Prior to issuance of grading and/or building permits, the Project Applicant shall retain a qualified wildlife biologist to conduct a preconstruction survey for southwestern pond turtles no more than 48 hours before the start of construction within suitable aquatic habitat and upland habitat. The preconstruction survey and its findings shall be submitted to HCD - Planning for review and approval.

74. BIO-13**Responsible Department:** RMA-Planning**Condition/Mitigation
Monitoring Measure:** BIO-13: Conduct Surveys for Nesting Tricolored Blackbirds.

The Applicant or successor in interest will retain a qualified biologist to conduct two surveys for nesting tricolored blackbirds in the California bulrush wetland during the breeding season (late March through June). The biologist will survey suitable breeding habitat within the project area. The first survey will be conducted during the spring prior to construction, and if, as determined by the qualified biologist, suitable habitat remains on the project site, the second survey may be conducted while construction is in progress. If construction spans multiple years and suitable habitat remains, this surveys are required on an annual basis. If no nesting tricolored blackbirds are found, no further action is necessary. If tricolored blackbirds are found to be nesting within the project area, the Applicant or successor in interest will consult DFW to determine and implement appropriate avoidance measures, which may include a "no-disturbance" buffer around the nest site until the breeding season has concluded.

**Compliance or
Monitoring
Action to be Performed:** Prior to recordation of the Final Map, this mitigation measure and its requirements shall be shown as a Note on the Map.

Prior to issuance of grading and/or building permits, the Project Applicant will retain a qualified biologist to conduct two surveys for nesting tricolored blackbirds. Results of the survey shall be submitted to HCD -Planning for review and approval.

75. BIO-14**Responsible Department:** RMA-Planning**Condition/Mitigation
Monitoring Measure:** BIO-14: Incorporate Tricolored Blackbird Nesting Habitat into the Newly Developed Project Restoration Plan

The Applicant or successor in interest will incorporate tricolored blackbird nesting habitat into the new Restoration Plan in coordination with DFW if a tricolored blackbird nesting colony is documented (per Mitigation Measure BIO-13 above) in the California bulrush wetland. This mitigation is not required if the nesting habitat would not be affected or if only individual nesting is documented in the project area.

**Compliance or
Monitoring
Action to be Performed:** Prior to Recordation of the Final Map, the mitigation measure and its requirements shall shown as Note on the Map.

76. BIO-15

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: BIO-15: Conduct Surveys for Woodrat Middens and Relocate Woodrats and Middens Prior to Construction Activity.

The Applicant/Owner will retain a qualified biologist to conduct a survey for woodrat middens in all suitable habitat in the project plan area that will be affected by construction. This survey will be conducted in the non-breeding season (between October 1 and December 31) prior to any clearing or grading activities in the project area. If no middens are found within this area, no further action is required.

Any active middens that will not be in areas of Project-related grading or vegetation removal will be avoided and protected with a minimum 25-foot buffer. Middens that cannot be avoided will be dismantled and relocated during the non-breeding season (between October 1 and December 31) prior to land clearing activities to allow animals to escape harm and to reestablish territories for the next breeding season. Dismantling will be done by hand, allowing any animals to escape either along existing woodrat trails or toward other available habitat. If a litter of young is found or suspected, nest material should be replaced, and the nest left alone for 2 to 3 weeks before a recheck to verify that young are capable of independent survival before proceeding with nest dismantling. The biologists will attempt to relocate any removed middens to the same area where woodrats are released.

Compliance or Monitoring Action to be Performed: Prior to recordation of a Final Map, this mitigation measure and its requirements shall be shown as a note on the Map,

Prior to issuance of grading and/or building permit, the Project Applicant will retain a qualified biologist to conduct a survey for woodrat middens. The results of the survey and recommendations shall be submitted to HCD - Planning for review and approval.

77. BIO-16**Responsible Department:** RMA-Planning**Condition/Mitigation Monitoring Measure:** BIO-16: Remove Vegetation during the Nonbreeding Season and Avoid Disturbance of Nesting Migratory Birds and Raptors.

During construction, the Applicant/Owner will condition its contractor to ensure that construction contractors remove trees and shrubs only during the nonbreeding season for migratory birds (September 16 through January 30). In addition, removal of vegetation or filling of ponds or wetlands in the project area will also take place during the nonbreeding season to avoid impacts on nesting birds in these areas. To further minimize impacts, one of the following options will be implemented.

- If construction activities are scheduled to occur during the breeding season (February 1 through September 15), a qualified wildlife biologist will be retained by the Project Applicant to conduct focused nesting surveys in and adjacent to the project area. The surveys will be conducted within 1 week prior to initiation of construction activities and at any time between February 1 and September 15. The area surveyed shall include all construction areas as well as areas within 300 feet outside the boundaries of the areas to be cleared or as otherwise determined by the biologist. If the Project is constructed in phases, a nest survey shall be required prior to implementation of each phase and when construction stops at a portion of the site where suitable nesting habitat remains for more than 15 days. Additionally, if construction spans multiple years, at least one nest survey shall be conducted at the beginning of each year of Project implementation between February and May.

- If no active nests are detected during surveys, then no additional mitigation is required. If surveys indicate that migratory bird or raptor nests are found in any areas that would be directly affected by construction activities, a no-disturbance buffer will be established around the site to avoid disturbance of the nest site until after the breeding season or after a wildlife biologist determines that the young have fledged (usually late-June to mid-July). The extent of these buffers will be determined by a wildlife biologist and will depend on the level of noise or construction disturbance, line of site between the nest and the disturbance, ambient levels of noise and other disturbances, and other topographical or artificial barriers. These factors will be analyzed in order to make an appropriate decision on buffer distances. The buffers will be maintained until the breeding season has ended or until a qualified biologist determines that the birds have fledged and are no longer reliant upon the nest or parental care for survival.

- If construction activities begin prior to the breeding season (i.e., if construction activity begins between September 16 and January 30), then construction can proceed until it is determined that an active migratory bird or raptor nest is subject to abandonment as a result of construction activities. Construction activities must be in full force, including at a minimum, grading of the site and development of infrastructure, in order for construction to continue (a minor activity that initiates construction but does not involve the full force of construction activities will not qualify as "pre-existing construction"). If any birds or raptors nest in the vicinity (300 feet for raptors and 50 feet for passerines) of the Project under this pre-existing construction condition, then it is assumed that they are or will habituate to the construction activities. Under this scenario, a nesting bird survey will still be conducted on or after February 1 to identify any active nests in the vicinity, and active sites will be monitored by a wildlife biologist periodically until after the breeding season or after the young have fledged (usually late-June to mid-July).

Compliance or Monitoring Action to be Performed: Prior to recordation of a Final Map, this mitigation measure and its requirements shall be shown as a Note on the Map.

78. BIO-17

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: BIO-17: Conduct a Survey for Suitable Roosting Habitat and Evidence of Roosting Bats and Avoid Disturbing Them.

During April to September, before construction begins, the Project Applicant will retain a qualified bat biologist who will survey trees that will be removed in the project area and identify any snags, hollow trees, or other trees with cavities that may provide suitable roosting habitat for pallid bats and non-special-status bats. This survey will be conducted before any tree removal occurs. If no suitable roosting trees are found, removal of trees may proceed (in accordance with Mitigation Measure BIO-6) If snags, hollow trees, or other trees with suitable cavities are found, these will be examined for roosting bats. If bats are not found and there is no evidence of use by bats, removal of trees may proceed. If bats are found or evidence of use by bats is present, trees will not be removed until DFW is consulted for guidance on measures to take to avoid and minimize disturbance of the bats.

Measures may include excluding bats from the tree prior to their hibernation period and before construction begins. Bat boxes will be installed within the habitat preserve to compensate for the temporal loss of roosting habitat. Bat boxes will be installed prior to the removal of any trees used by bats on a minimum 1:1 basis (1 bat box for each identified active bat location).

Compliance or Monitoring Action to be Performed: Prior to recordation of a Final Map, this mitigation measure and its requirement shall be shown as a Note on the Map.

Prior to issuance of grading and/or building permits, the Project Applicant will retain a qualified bat biologist who will survey trees. Results of the tree surveys and recommendations, shall be submitted to HCD - Planning for review and approval.

79. BIO-18

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: BIO-18: Rescue Steelhead, if Stranded in Site Basin during High-Flow Events.

The Applicant/Owner will apply to the NOAA Fisheries and to the DFW for permission to rescue steelhead if they become trapped in the new site basin. The Project Applicant will be responsible for arranging the inspection of the basin after any storm event that results in temporary filling from the Carmel River. Steelhead will be rescued from the basin and either returned to the Carmel River immediately and/or be held at an appropriate facility (such as the MPWMD Sleepy Hollow facility) until it is safe to return them to the river. The Project Applicant may choose to effect this mitigation through arrangement with organizations that are already involved with fish rescue on the Carmel River such as MPWMD and the Carmel River Steelhead Association.

The Applicant/Owner will obtain all necessary approvals and make all implementation arrangements for steelhead rescue prior to the construction of the new site basin and will provide proof of such to the County.

Compliance or Monitoring Action to be Performed: Prior to Recordation of a Final Map, this mitigation measure and its requirements shall be shown as a Note on the Map.

Prior to issuance of construction permits the Applicant/Owner shall show evidence that the proposed new detention basins/ponds locations are acceptable to NOAA Fisheries and CDFW and that the agents of the Applicant/owner are authorized to implement BIO-18 or the CRSA is permitted to implement BIO-18 and intercede as part of their ongoing steelhead rescue permits.

80. BIO-19

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: BIO-19: Install Signs Along and Within the Habitat Preserve about Restraining Dogs and Encouraging Cats to be Kept Inside.

The Homeowners Association (HOA), Community Services District (CSD), or other entity that is responsible for maintenance of the habitat preserve will ensure that signs are installed throughout the habitat preserve that contain the following information to educate pet owners about the potential impacts of dogs and cats on wildlife.

"Please help minimize the harassment, injury, or mortality of wildlife by dogs and cats by following these measures:

- Dogs must be on leashes. Please keep control of your dog at all times.
- Pick up after your dog.
- Recognize that keeping your cat inside keeps wildlife safe from cats and cats safe from wildlife."

Compliance or Monitoring Action to be Performed: Prior to Recordation of a Final Map, this mitigation measure and its requirements shall be shown as a Note on the Map.

Prior to issuance of occupancy, the Applicant/Owner and/or HOA/CSD/other entity shall submit proof that signs have been developed, printed and installed as prescribed.

81. CR-1**Responsible Department:** RMA-Planning**Condition/Mitigation Monitoring Measure:** CR-1: Archaeological Resources- Stop Work if Buried Cultural Deposits are Encountered During Construction Activities

If buried cultural resources are encountered during construction activities, the Project Applicant or successor(s) of interest or its contractor will stop work. If cultural resources such as chipped stone or groundstone, historic debris, building foundations, or human bone are inadvertently discovered during ground-disturbing activities, the Project Applicant or its contractor will stop work within a 100-foot radius of the find until a qualified archaeologist can assess the significance of the find and recommend additional treatment measures appropriate to the nature of the find. The Project Applicant will be responsible for ensuring that treatment measures are implemented, in accordance with the archaeologist's and tribal cultural representative's recommendations.

Compliance or Monitoring Action to be Performed: Include as a note on the final map. The note shall state "Stop work within 100 feet of uncovered cultural resource and contact Monterey County HCD - Planning and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered."

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 the discovery and comply with the conditions.

82. CR-2**Responsible Department:** RMA-Planning**Condition/Mitigation Monitoring Measure:** CR-2: Archaeological Monitoring During Ground Disturbing Activities Within the Project Area During Construction

The alluvial plain of the Carmel River Valley is highly sensitive for the presence of buried prehistoric archaeological resources, which do not always have surface expression and can be difficult to identify through a Phase I archaeological survey. Due to the sensitive nature and location of the project area, there is a possibility that buried prehistoric archaeological materials could be discovered during ground-disturbing activities during the construction phase of the project. Prior to the start of construction activities, the Project Applicant or its contractor will obtain the services of an archaeological monitor who can identify resources and minimize impacts on buried deposits, if present.

Compliance or Monitoring Action to be Performed: Prior to recordation of a final map or issuance of permits for subdivision improvements, whichever occurs first, the applicant shall submit a written agreement with a qualified archaeologist for the observation of all grading and ground disturbance activities.

The monitors shall have the authority to stop work during construction.

83. CR-3**Responsible Department:** RMA-Planning**Condition/Mitigation Monitoring Measure:** CR-3: Archaeological Resources- Stop Work if Human Remains are Encountered During Construction Activities

If human remains are encountered during construction, the Project Applicant or its contractor will notify the County Coroner immediately, as required by County Ordinance No. B6-18. Because this measure will be implemented along with Mitigation Measure CR-2, a qualified archeologist will already be onsite. If the County Coroner determines that the remains are Native American, the Coroner will then contact the NAHC, pursuant to HSC Section 7050.5[c]. S/he will also contact the County Coordinator of Indian Affairs. There will be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie human remains until the County Coroner has determined that no investigation of the cause of death is required.

If the Coroner determines that the remains are not subject to their authority, they will notify the NAHC, who will attempt to identify descendants of the deceased Native American, who will be consulted as to proper treatment of Native American remains and any associated grave goods. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this state law, then the land owner will re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

Compliance or Monitoring Action to be Performed: This language shall be included in the agreement required pursuant to Condition CR-2 and shall be implemented during construction.

84. CR-4**Responsible Department:** RMA-Planning**Condition/Mitigation Monitoring Measure:** CR-4: Paleontological Resources- Stop Work if Vertebrate Remains are Encountered During Construction

If vertebrate fossils are discovered during construction, work will stop within a 50 meter (165-foot) radius of the find until a qualified professional paleontologist can assess the nature and importance of the find and recommend appropriate treatment. Treatment will include preparation and recovery of fossil materials so that they can be housed in an appropriate museum or university collection, and may also include preparation of a report for publication describing the finds. The project proponent will be responsible for ensuring that the paleontologist's recommendations regarding treatment and reporting are implemented.

Compliance or Monitoring Action to be Performed: Comply with conditions during all ground disturbing activities.

85. CR-5**Responsible Department:** RMA-Planning**Condition/Mitigation Monitoring Measure:** CR-5: Consult with a Qualified Archaeologist to Identify Resources and Assess Impacts

If archaeological resources are uncovered as a result of long-term use of the project area resulting from the implementation of the Project, the Applicant/Owner or successor(s) of interest will consult with a qualified archaeologist to identify the resource, assess the potential significance of the discovery, and assess and mitigate the impacts as appropriate to the resources and level of impacts, as required by CEQA.

Compliance or Monitoring Action to be Performed: The Home Owner's Association, Community Services District, or similar entity shall adopt rules and procedures adequate to protect archaeological resources on an ongoing basis, including consulting with a qualified archaeologist if potential resources are discovered.

86. GEO-1**Responsible Department:** Environmental Services**Condition/Mitigation Monitoring Measure:** GEO-1: Design All Proposed Structures in Accordance with the Requirements of the California Building Code, Current Edition, and Recommendations Contained in the Site Specific Geologic and Geotechnical Reports

To minimize the potential for damage from seismic-related ground settlement, prior to construction the Applicant or successor(s) in interest will assure that all proposed structures are designed in accordance with the current and appropriate California Building Code standards and with recommendations made by the geotechnical reports prepared for the project (ENGEO 2006). In addition, the Project Applicant or successor(s) in interest will implement any recommendations made by the engineer of record and demonstrate to the County during the final stages of project design (prior to issuance of building permits) that the project is in compliance with all the above.

Compliance or Monitoring Action to be Performed: Prior to recordation of a final map, Geologic and Geotechnical reports shall be submitted to HCD Planning and Building Services for review and approval.

A Note shall be placed on an additional sheet of the final map that indicates that a geotechnical report was prepared and that all structures shall be designed in accordance with the reports and the current edition of the California Building Code.

87. GEO-2

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: GEO-2: Implement Recommended Grading and Slope Design Criteria of the Site-Specific Geotechnical Reports

In order to reduce the potential for slope failure to occur, specific design measures, as recommended in the geotechnical investigations (ENGEO 2005 and as required by this measure), will be incorporated into the Proposed Project by the applicant or successor(s) in interest during construction. Such measures will include the following.

- The removal of loose or compressible surface soils from all areas to receive fill, followed by scarification, moisture conditioning, and recompaction to create a firm, non-yielding base, and replacement with engineered backfill.
- Grading operations will meet the requirements of the Guide Contract Specifications included in the geotechnical report (ENGEO 2005).
- The grading of cut and fill slopes to a gradient of no steeper than 2:1.
- Construction of a sub-drained keyway system.
- Implementation of a site drainage plan to divert surface drainage away from potentially unstable foundation systems.

In addition to incorporating the recommendations of the site-specific geotechnical studies, all earthwork will conform to applicable design standards of the UBC and the County. All design and construction activities will be conducted by or under the supervision of a registered geological engineer or engineering geologist, and are subject to review by the County through the grading permit and construction oversight process.

Compliance or Monitoring Action to be Performed: Prior to the issuance of any grading permits, a site-specific geotechnical report shall be submitted to HCD Building Services for review and approval.

Grading plans shall incorporate all required measures and techniques required and recommend within the site-specific geotechnical report.

88. GEO-3**Responsible Department:** Environmental Services**Condition/Mitigation Monitoring Measure:** GEO-3: Prepare and Implement an Erosion and Sediment Control Plan

Prior to construction, the Applicant or successor(s) in interest responsible for project grading, or a qualified consultant acting on behalf of the above, will prepare and implement an erosion and sediment control plan. The plan will be prepared in accordance with the requirements of the local erosion and sediment control ordinances. The plan will contain details and specifications for a variety of standard and site-specific BMP's that will be implemented to control wind and water erosion, stormwater runoff, sediment, and other construction-related pollutants during project construction. The Erosion and Sediment Control Plan will remain in effect until all areas disturbed during construction have been revegetated or otherwise permanently stabilized. Additional measures may be prescribed during the final stages of project design and construction. The Erosion and Sediment Control Plan will be submitted to Monterey County HCD Planning and Environmental Services for review and approval prior to issuance of any grading permit. This measure can be combined with requirements of Mitigation Measure HYD-2 to prepare a SWPPP in compliance with National Pollutant Discharge Elimination System (NPDES) general construction permit requirements.

Compliance or Monitoring Action to be Performed: Prior to the issuance of construction permits, an Erosion and Sediment Control Plan shall be submitted the HCD - Planning Division and Environmental Services Division for review and approval.

89. GEO-4**Responsible Department:** Environmental Services**Condition/Mitigation Monitoring Measure:** GEO-4: Remove Localized Zones of Overly Loose Materials

During construction of the Proposed Project, the Applicant or successor(s) in interest responsible for site grading and foundational work, will implement the recommended design criteria of the geotechnical report (ENGEO 2005). These criteria relating to loose materials include the following measures.

- Localized zones of overly loose materials will be removed to a firm, non-yielding base, then scarified, moisture condition, if necessary, and recompacted to create a suitable foundation soil prior to fill placement.
- The spatial extent will include at least the area encompassed by the building footprint plus a horizontal buffer of 5 feet surrounding the building footprint.
- The actual depth for reworking should be determined by a qualified geotechnical engineer at the time of grading.

The responsible party will also implement all other relevant soil recommendations detailed in the geotechnical report and shall demonstrate to the County that the project is in compliance with the criteria and recommendations.

Compliance or Monitoring Action to be Performed: Prior to issuance of grading permits, the recommendations of the Geotechnical Report shall be included in the design of all grading.

Prior to final inspections, the applicant shall submit a letter from a licensed geotechnical engineer indicating that all work has been performed in accordance with approved plans and geotechnical reports.

90. RESERVED

Responsible Department: RMA-Planning

**Condition/Mitigation
Monitoring Measure:**

**Compliance or
Monitoring
Action to be Performed:**

91. GHG-1

Responsible Department: RMA-Planning

**Condition/Mitigation
Monitoring Measure:** GHG-1: Implement Best Management Practices for Greenhouse Gas Emissions during Construction

Prior to starting construction activities, the Project Applicant will ensure the construction contractor includes the following BMPs in the construction specifications, to the extent feasible, to reduce construction-related GHG emissions. The contractor will implement the following measures.

- Use alternative-fueled (e.g., biodiesel, electric) construction vehicles/equipment for at least 15 percent of the fleet.
- Use local building materials where reasonably available (i.e., within the general Monterey Bay area defined as Monterey County, Santa Cruz County, and San Benito County).
- Recycle at least 50 percent of construction waste or demolition materials.

**Compliance or
Monitoring
Action to be Performed:** Prior to issuance of construction permits of any phase of the project, the Applicant/Owner shall submit to HCD - Planning for review and approval a report of construction specifications demonstrating implementation of BMPs.

92. GHG-2

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: GHG-2: Reduce Annual Greenhouse Gas Emissions to below the Efficiency Threshold Using a Combination of Design Features, Replanting, and/or Offset Purchases

The Applicant/Owner will develop and implement a GHG Reduction Plan to reduce annual emissions of the Project to 1,770 MTCO₂e per year for the Project. The GHG Reduction Plan would be provided to HCD - Planning for review and approval prior to grading, or ground disturbance or vegetation removal for any phase of the Project. The GHG Reduction Plan would identify the specific design measures proposed to reduce GHG emissions from the Project, their timing, and the responsible party. The GHG Reduction Plan could include the following measures.

Building Energy Use

- Exceed Title 24 building envelope energy efficiency standards (applicable at the time of the building permit issuance) by 20 percent.
- Install programmable thermostat timers and smart meters.
- Obtain third-party heating, ventilation, and air conditioning commissioning and verification of energy savings.
- Install energy-efficient appliances.
- Require cool roof materials.
- Install green roofs.
- Install solar water heaters.
- Install tankless water heaters.
- Install solar panels.
- HVAC duct sealing.
- Increase roof/ceiling insulation.

Alternative Energy Generation

- Install onsite solar facilities.
- Utilize a combined heat and power system for commercial facilities.

Lighting

- Install high-efficiency area lighting to reduce indoor and outdoor lighting energy use by 40 percent.
- Limit outdoor lighting.
- Replace traffic lights with LED traffic lights.
- Maximize interior day light.

Transportation

- Provide electric vehicle charging stations.
- Provide preferred electric vehicle parking.
- Implement transit access improvements.
- Expand transit network.
- Provide local shuttle service to and from visitor-serving areas using a hybrid electric, electric, or alternative-fueled shuttle.
- Provide free transit passes for facility employees.

Water

- Install low-flow water fixtures.
- Design water-efficient landscapes and landscape irrigation systems.
- Install rainwater collection systems.

- Install low-water use appliances and fixtures.
- Restrict the use of water for cleaning outdoor surfaces and prohibit systems that apply water to non-vegetated surfaces.

Area Landscaping

- Use only electric-powered landscaping equipment (not gas powered).

Solid Waste

- Institute or extend recycling and composting services.

Carbon Sequestration

- Plant trees to replace trees removed by the Proposed Project.

Off-Site Mitigation

- Off-site mitigation could take many forms, including:
- Paying for energy-efficiency upgrades of existing homes and business.
- Installing off-site renewable energy.
- Paying for off-site water efficiency.
- Paying for off-site waste reduction.
- Other methods.
- Offsite mitigation must be maintained in perpetuity to match the length of project operations to provide ongoing annual emission reductions.

Carbon Offsets

- Purchase offsets from a validated source to offset annual GHG emissions.
- Purchase offsets from a validated source to offset one-time carbon stock GHG emissions.

The GHG Reduction Plan would consist of the measures described below unless the Project Applicant demonstrates that alternative measures will collectively meet the overall performance standard. The Project Applicant will document the application of all final measures to proposed new development and demonstrate their effectiveness.

**Compliance or
Monitoring
Action to be Performed:**

Prior to recordation of a final map or issuance of permits for subdivision improvements, the applicant/owner shall submit a GHG reduction Plan to the HCD - Chief of Planning for review and approval.

93. HAZ-1

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: HAZ-1: Follow Cypress Fire Protection District and Other Guidelines for Storage and Handling of Hazardous Materials

The County will require that contractors transport, store, and handle hazardous materials required for construction in a manner consistent with relevant regulations and guidelines, including those recommended and enforced by the Cypress Fire Protection District.

Compliance or Monitoring Action to be Performed: During construction and subdivision improvements, the contractor and applicant shall ensure that all materials are transported handled and stored in accordance with Cypress Fire Protection District recommendations.

Prior to Final inspection, a letter from Cypress Fire Protection District shall be submitted indicating that all measures have been implemented and complied with.

94. HAZ-2

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: HAZ-2: Immediately Contain Spills, Excavate Spill-Contaminated Soil, and Disposal at an Approved Facility

In the event of a spill of hazardous materials in an amount reportable to the Cypress Fire Protection District (CFPD) (as established by fire department guidelines), the contractor will immediately control the source of the leak and contain the spill. If required by the CFPD or other regulatory agencies, contaminated soils will be excavated and disposed of offsite at a facility approved to accept such soils.

Compliance or Monitoring Action to be Performed: During construction and subdivision improvements, the contractor and applicant shall ensure that all materials are transported handled and stored in accordance with CFPD recommendations.

Prior to Final inspection, a letter from CFPD shall be submitted indicating that all measures have been implemented and complied with.

95. HAZ-3**Responsible Department:** RMA-Planning**Condition/Mitigation Monitoring Measure:** HAZ-3: Develop and Implement Plans to Reduce Exposure of People and the Environment to Hazardous Conditions During Construction Activities

The County will require the applicant or successor(s) of interest to develop plans to prevent the pollution of surface water and groundwater and to promote the health and safety of workers and other people in the project vicinity. These programs will include an operations and maintenance plan, a site-specific safety plan, and a fire prevention plan, in addition to the Storm Water Pollution Prevention Plan (SWPPP) required for hydrology impacts. The programs are required by law and will require approval by several responsible agencies. Required approvals are as follows: the SWPPP will be approved by the Regional Water Board; the site-specific safety plan and the operations and maintenance plan will be approved by Cal-OSHA; and the fire safety plan will be approved by the Cypress Fire Protection District.

The County will also require the applicant to develop and implement a hazardous materials management plan that addresses public health and safety issues by providing safety measures, including release prevention measures; employee training, notification, and evacuation procedures; and adequate emergency response protocols and cleanup procedures.

Finally, the County will require the applicant and its designated contractors to comply with Cal- OSHA, as well as federal standards, for the storage and handling of fuels, flammable materials, and common construction-related hazardous materials and for fire prevention. Cal-OSHA requirements can be found in the California Labor Code, Division 5, Chapter 2.5. Federal standards can be found in Occupational Safety and Health Administration Regulations, Standards—29 CFR.

Compliance or Monitoring Action to be Performed: Prior to recordation of a final map or issuance of permits for subdivision improvements, whichever occurs first, the applicant shall submit the required plans to the HCD - Chief of Planning for review and approval.

Written approval from responsible state and local jurisdictions of the required plans shall be provided.

96. HAZ-4**Responsible Department:** RMA-Planning**Condition/Mitigation Monitoring Measure:** HAZ-4: Participate in the Local Household Hazardous Waste Collection Program

The County will require residents living within the Rancho Cañada Village to participate in the Household Hazardous Waste Collection Program run by the Monterey Regional Waste Management District, to ensure that household hazardous wastes are disposed of appropriately. Details about the program can be found on the District's website, located at: www.mrwmd.org.

Compliance or Monitoring Action to be Performed: Prior to recordation of final maps, the applicant shall submit written evidence of participation in the program from Monterey Regional Waste Management District.

97. HYD-1**Responsible Department:** Environmental Services**Condition/Mitigation
Monitoring Measure:** HYD-1: Prepare and Implement a Stormwater Control Plan

Prior to recordation of a final map, the applicant or successor(s) in interest shall submit to Monterey County HCD Environmental Services a Stormwater Control Plan prepared by a registered professional engineer, addressing Post-Construction Stormwater Management Requirements (PCRs) for Development Projects in the Central Coast region. The Plan shall include the location of drainage facilities and construction details. A report with supporting calculations shall also be provided. The Plan shall be reviewed by a licensed Geotechnical Engineer to ensure conformance with the Geotechnical Investigation or Engineering Geology Report. The Plan shall be reviewed and approved by the County HCD - Environmental Services prior to recording the final map.

**Compliance or
Monitoring
Action to be Performed:** Prior to recordation of a final map, the applicant shall submit to Monterey County HCD Environmental Services for review and approval, a Stormwater Control Plan prepared by a registered professional engineer, addressing Post-Construction Stormwater Management Requirements (PCRs) for Development Projects in the Central Coast region.

98. HYD-2**Responsible Department:** Environmental Services**Condition/Mitigation
Monitoring Measure:** HYD-2: Prepare and Implement Operation and Maintenance Plan for Stormwater Control Measures

Prior to recordation of a final map, the applicant or successor(s) in interest shall submit an Operation and Maintenance Plan to HCD Environmental Services for review and approval. The plan shall be prepared by a registered Professional Engineer and include, at a minimum, the following: 1) Site map identifying all structural Stormwater Control Measures requiring O&M practices to function as designed; 2) O&M procedures for each structural Stormwater Control Measure, including, but not limited to, LID facilities, retention/detention basins and proprietorship devices; 3) O&M Plan shall include short- and long-term maintenance requirements, recommended frequency of maintenance and estimated maintenance costs. The County approved plan shall be implemented by successor(s) in interest responsible for operation and maintenance of the stormwater drainage systems, such as a Homeowner's Association (HOA), Community Services District (CSD), or similar entity.

**Compliance or
Monitoring
Action to be Performed:** Prior to recordation of the final map, the applicant shall submit an Operation and Maintenance Plan to HCD Environmental Services for review and approval.

99. HYD-3

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: HYD-3: Enter into Maintenance Agreement for Stormwater Control Measures

Prior to recordation of a final map, the applicant or successor(s) in interest shall enter into Maintenance Agreement with Monterey County. The applicant shall submit a signed and notarized Agreement to HCD Environmental Services for review and approval. The Agreement shall clearly identify the responsible party for ongoing maintenance of structural Stormwater Control Measures. The Agreement shall contain provisions for an annual report to be prepared by a registered Professional Engineer. The annual report shall be submitted to HCD Environmental Services for review and approval no later than August 15 of each year. All recommended maintenance shall be completed by October 15 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.

Compliance or Monitoring Action to be Performed: Prior to recordation of a final map, the applicant shall enter into Maintenance Agreement with Monterey County.

100. HYD-4**Responsible Department:** RMA-Planning**Condition/Mitigation
Monitoring Measure:** HYD-4: Implement a Spill Prevention and Control Program

Prior to construction, the Applicant or successor(s) in interest, will develop and implement a spill prevention and control program to minimize the potential for, and effects from, spills of hazardous, toxic, or petroleum substances during construction activities for all contractors. The program will be completed before any construction activities begin. Implementation of this measure will comply with state and federal water quality regulations. The County will review and approve the spill prevention and control program before onset of construction activities. The County will routinely inspect the construction area to verify that the measures specified in the spill prevention and control program are properly implemented and maintained. The County will notify contractors immediately if there is a noncompliance issue and will require compliance.

The federal reportable spill quantity for petroleum products, as defined in the EPA's CFR (40 CFR110) is any oil spill that (1) violates applicable water quality standards, (2) causes a film or sheen upon or discoloration of the water surface or adjoining shoreline, or (3) causes a sludge or emulsion to be deposited beneath the surface of the water or adjoining shorelines.

If an appreciable spill has occurred and is reportable, the contractor's superintendent will notify the County and the County will need to take action to contact the appropriate safety and clean up crews to ensure the spill prevention plan is followed. A written description of reportable releases must be submitted to the Regional Water Board. This submittal must include a description of the release, including the type of material and an estimate of the amount spilled, the date of the release, an explanation of why the spill occurred, and a description of the steps taken to prevent and control future releases. The releases would be documented on a spill report form.

If surface water or groundwater quality levels have been degraded in excess of water quality standards, Mitigation Measure HYD 5 would be required and would reduce this impact to a less than significant level.

**Compliance or
Monitoring
Action to be Performed:**

Prior to issuance of permits for subdivision improvements, the Project Applicant will develop and implement a spill prevention and control program to minimize the potential for, and effects from, spills of hazardous, toxic, or petroleum substances during construction activities for all contractors. The plan shall be submitted to the HCD - Planning for review and approval. Written approval by appropriate regulatory agencies may be required as applicable.

101. HYD-5**Responsible Department:** RMA-Planning**Condition/Mitigation Monitoring Measure:** HYD-5: Implement Measures to Maintain Surface Water or Groundwater Quality

If an appreciable spill has occurred and results determine that project activities have adversely affected surface water or groundwater quality, the Applicant will provide a detailed analysis performed by a Registered Environmental Assessor to identify the likely cause of contamination. This analysis will conform to American Society for Testing and Materials (ASTM) standards, and will include recommendations for reducing or eliminating the source of mechanisms of contamination. Based on this analysis, the Applicant or its successor in interest will select and implement measures to control contamination, with a performance standard that groundwater quality must be returned to baseline conditions. These measures will be subject to approval by the Environmental Health Bureau.

Compliance or Monitoring Action to be Performed: A note shall be added to the final map prior to recordation that includes the text of HYD-5.

The applicant and applicant's contractors shall implement condition.

102. HYD-6**Responsible Department:** Environmental Services**Condition/Mitigation Monitoring Measure:** HYD-6: Protect Eastern Slope of Excavated Basin

No protection should be needed for the downstream portions of the excavated area because rapid movement of water over a drop is not expected to occur there. To the extent that the upstream portion of the excavated area is exposed to higher velocities, erosion risks shall be mitigated by the Applicant or successor(s) in interest through slope protection measures that could include rock or turf-reinforced mats. The Applicant or successor(s) in interest responsible for installation of the excavated basin shall provide plans to the County HCD - Environmental Services and Engineering Services on behalf of Public Works prior to issuance of grading permits showing slope protection design for the upstream portion of the excavated area.

Compliance or Monitoring Action to be Performed: A note shall be added to the final map prior to recordation that includes the text of HYD-6.

103. RESERVED**Responsible Department:** RMA-Planning**Condition/Mitigation Monitoring Measure:**

Compliance or Monitoring Action to be Performed:

104. NOI-1

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: NOI-1: Implement Noise-Reducing Treatments at Residences Located Near the Batting Practice Area

Prior to construction, the Applicant/Owner will retain a qualified acoustical consultant to identify specific outdoor and indoor residential areas near the baseball fields and batting practice area that could be exposed to noise exceeding 60 CNEL exterior and 45 CNEL interior. The consultant will prepare a report which identifies specific treatments to be implemented that will reduce exterior and interior noise to less than 60 CNEL and 45 CNEL, respectively. Treatments that can be implemented to achieve these performance standards may include those listed below.

- Construction of a solid barrier between the batting practice area and the outdoor use areas (for residential areas near the baseball fields and batting practice area) or between Carmel Valley Road.
- Upgraded acoustical insulating of building structures.
- Addition of fresh air ventilation to allow windows to be closed when baseball games or batting practice is occurring (for residential areas near the baseball fields and batting practice area).

Compliance or Monitoring Action to be Performed: The report will be submitted to HCD - Planning for review and approval prior to issuance of buildings permits.

105. NOI-2

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: NOI-2: Employ Noise-Reducing Construction Practices

During construction, the Applicant/Owner will implement noise reducing construction practices such that noise from construction is in compliance with the Monterey County Health and Safety Noise Control Ordinance. The ordinance limits construction noise to 85 dBA measured 50 feet from the noise source when construction is located within 2,500 feet of any occupied dwelling unit. Measures that would be implemented to comply with the requirement shall include those listed below.

- Prohibit night-time and weekend construction and schedule all construction for daytime hours between 7:00 a.m. and 5:00 p.m. Monday through Friday.
- Require all internal combustion engines used at the project site to be equipped with a type of muffler recommended by the vehicle manufacturer.
- Require all equipment to be in good working condition to minimize noise created by faulty or poorly maintained engine, drive train, and other components.
- Restrict or prohibit construction traffic on Rio Road west of the project site. All construction equipment should access the site via Rio Road east from Carmel Valley Road to minimize noise at existing residences.
- Require all diesel equipment to be located more than 200 feet from any residence if equipment is to operate more than several hours per day.
- Place of berming or stockpiled material between equipment and noise sensitive location to reduce construction noise.
- Use scrapers as much as possible for earth removal rather than noisier loaders and haul trucks.
- Use a backhoe for backfilling which is quieter than dozers or loaders.
- Shield or enclose power saws where practical to decrease noise emissions. Use nail guns where possible instead of manual hammering.

Compliance or Monitoring Action to be Performed: A note shall be added to the final map prior to recordation.

The applicant/owner shall designate a contact in the event that noise complaints are received. Noise measure shall be complied with during construction.

106. PDSP001 -- PSU-1

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: PSU-1: Dedicate Water Rights for the Project; Design for, Meter, and Monitor Water to meet Water Budgets; Implement Remedial Action if Water Budgets Exceeded

The Applicant, the Homeowner's Association (HOA), Community Services District (CSD), individual property owners, and any other parties responsible for water use for the project shall implement the following measures to ensure that the overall project consumptive use of water does not exceed the amounts estimated in the FEIR:

(1) The Applicant shall permanently wheel an average of 60 AFY of the riparian water rights associated with the project site that reserves its use solely for the on-site residential development (including the park and preserve). This shall not be available for any other use or transfer for use outside the Project site. These amounts are based on the estimated net demand during a very high use year as indicated in Table 3.10-6. The 60 AFY wheeled to Cal-Am shall come from the 120 AFY of riparian water rights that would remain if the Applicant is successful in obtaining an appropriate right to transfer an additional 60 AFY to Cal-Am for use outside the Project area. Notably, this 120 AFY of riparian water is also the source of the minimum 50 AFY that the Applicant would dedicate for instream beneficial uses in the Carmel River. This leaves an additional 10 AFY of riparian water that can be used either by Cal-Am to serve the Project or for instream beneficial uses, depending on Project demand in light of hydrological conditions (i.e., water year type – dry or wet).

(2) The Applicant (if they build parts or all of the development), individual homeowners (for lot development not built by the Applicant), or other parties proposing water uses on-site shall demonstrate to MPWMD and the County at the final design phase (prior to issuance of a building permit or any water use permits) that the project employs all MPWMD mandated efficiency measures, will meter the new development as required by MPWMD and will require reporting on actual water use on-site monthly and annually to MPWMD and the County HCD Planning. All water use on-site shall be conditioned that MPWMD shall retain the ability to mandate feasible and reasonable reductions in water use in the future as necessary to constrain water use to the established water budgets.

(3) MPWMD and the County shall track building permit and water use permit approvals to assure that the development overall will remain within the water budgets in the FEIR. If tracking indicates that the project overall trend would result in an exceedance of the established water budgets upon full buildout, then MPWMD and the County shall require conditioning of all future building and water use permits with reductions in water use in order to restore the trend to compliance with the established water budgets. This limitation may ultimately include limitations on residential improvements (such as numbers of fixtures, swimming pools, or other limits), changes in landscaping amounts, types, or irrigation practices, a limit on overall amount of landscaping or other measures.

(4) If monitoring/reporting indicates that the project is exceeding the estimated water budget on average over two or more years or the "high use" estimate in any one year, MPWMD and the County shall require responsible parties (HOA, CSD, individual property owners, and/or any other entity responsible for water use on the project) to modify landscaping & irrigation practices and/or add additional water efficiency measures to the project as necessary to reduce the water use to the average yearly consumptive use shown in the FEIR. If triggered, the responsible parties for water use shall implement remedial measures within one year of the exceedance.

(5) Failure to comply with these requirements will result in a request from the County to MPWMD to impose mandatory limitations on project consumptive water use until

compliance is achieved.

**Compliance or
Monitoring
Action to be Performed:**

Prior to recordation of a Final Map the applicant shall provide written evidence of the water rights and restrictions.

Water restrictions shall be included in a note on the final map.

The HOA, CSD or similar entity and/or project developer will submit water usage reports to County and MPWMD on an annual basis and demonstrate that the project remains within the estimated water budget. The reports will include monthly data in addition to annual totals.

107. PSU-2

Responsible Department: Health Department

**Condition/Mitigation
Monitoring Measure:**

PSU-2: Test Well Supply, Identify Water Treatment and Distribution Facilities, and Avoid Impacts on Biological Resources

Prior to final map approval, the Project Applicant shall provide the design for the new on-site Cal-Am well and associated facilities to Monterey County for review, confirming its placement within the former golf course and/or other non-habitat disturbed areas (such as existing roads or golf paths). Under no circumstances will the new facilities result in permanent loss of native vegetation, ponds, or wetlands. All biological mitigation described for the Project construction-related impacts of the project will apply to any potential impacts of new on-site Cal-Am well and associated facilities (this shall include the following, as applicable to impacts of construction of the new on-site Cal-Am well and associated facilities: Mitigation Measures BIO-1 through BIO-19.

No grading for the Proposed Project will be allowed until the new facilities have been approved by Monterey County and all biological resource mitigation has been approved by the County, USFWS, and CDFW. The Project Applicant will be required to fund all necessary improvements.

**Compliance or
Monitoring
Action to be Performed:**

Prior to recordation of a final map, written evidence from qualified professionals shall be submitted demonstrating compliance with this condition. The evidence shall be subject to review and approval of the HCD Planning and Environmental Health.

108. PSU-3**Responsible Department:** RMA-Public Works**Condition/Mitigation Monitoring Measure:** PSU-3: Coordinate with Appropriate Utility Service Providers and Related Agencies to Reduce Service Interruptions.

Prior to construction, the Applicant/Owner or its contractor will coordinate with the appropriate utility service providers and related agencies to avoid or reduce service interruptions. This coordination would include the following:

- The Applicant/owner or its contractor will contact the Underground Service Alert (800/642-2444) at least 48 hours before excavation work begins to verify the nature and location of existing underground utilities. The Applicant/owner will also notify all public and private utility owners at least 48 hours prior to the commencement of work adjacent to any existing utility, unless the excavation permit specifies otherwise.

- The Applicant/owner or its contractor will coordinate with Regional Parks and the CFPD to minimize or eliminate potential water interruption. Such coordination efforts may include requiring the construction contractor to "hot-tap" existing water lines for new waterline connections when possible to maintain service of existing water lines, and isolate construction areas and back feed water through alternate lines to provide continuous use.

- The Applicant/owner or its contractor will coordinate with CAWD to minimize or eliminate potential interruptions of service when connections are made between existing and new sewer lines. Efforts may include coordination with the construction contractor to bypass sewage flows in the affected areas through use of portable pipeline that connects to unaffected sewage lines.

Compliance or Monitoring Action to be Performed: Prior to Recordation of a Final Map, this mitigation measure and its requirement shall be shown as a Note on the Map.

Prior issuance of construction permits, the Applicant/Owner shall submit proof to HCD -Planning that coordination with appropriate service utility service providers, to reduce or avoid service interruptions, shall be done.

109. TR-1**Responsible Department:** RMA-Public Works**Condition/Mitigation Monitoring Measure:** TR-1: Contribute Fair-Share to Interchange Improvements of Laureles Grade and Carmel Valley Road through the CVTIP Traffic Impact Fee.

Compliance or Monitoring Action to be Performed: Prior to building permit issuance for each lot, the Applicant or successor of interest, shall contribute a fair-share traffic impact mitigation fee for cumulative impacts to Carmel Valley Road to fund necessary improvements identified in the Carmel Valley Traffic Improvement Program (CVTIP), per the fee schedule in effect at the time of the issuance of the building permit. Proof of payment shall be submitted to HCD-Engineering Services.

Prior to recordation of the Final Map, Subdivider's Surveyor shall include a note on Final Map.

110. TR-2

Responsible Department: RMA-Public Works

Condition/Mitigation TR-2: Contribute Fair-Share Regional Impact Fee

Monitoring Measure: The Applicant or successor in interest will be responsible for contributing a fair-share impact for regional traffic improvements as determined by TAMC in concert with Caltrans and Monterey County, based on improvements identified in the 2014 RTP and the TAMC 14-year Investment Plan Transportation Plan. The payment shall be made prior to issuing the first building permit for a residential unit.

Compliance or Prior to building permit issuance for each lot, the Applicant or successor of interest,
Monitoring shall contribute a fair-share traffic impact mitigation fee for cumulative impacts to the
Action to be Performed: regional roadway system to fund necessary improvements identified in the Regional Development Impact Fee Program, per the fee schedule in effect at the time of the issuance of the building permit. Proof of payment shall be submitted to HCD-Engineering Services.

Prior to recordation of the Final Map, Subdivider's Surveyor shall include a note on Final Map.

111. TR-3

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: TR-3: Develop and Implement a Construction Traffic Control Plan

A traffic control plan, including a comprehensive set of traffic control measures, will be prepared by the Applicant or successor in interest's construction contractor and submitted to Monterey County HCD Engineering Services on behalf of Public Works for review and approval, before issuance of grading or building permits. The plan will be implemented throughout the course of Project construction and may include, but will not be limited to, the following elements:

- Limit construction activities to between 8 a.m. and 6 p.m., Monday through Saturday. No work will be permitted on Sundays or holidays. Workers may be on-site before 8 a.m. and after 6 p.m., but no work will be performed that will disturb neighboring residents. (The Applicant's proposed construction hours are consistent with this measure.)
- Require that written notification be provided to contractors regarding appropriate routes to and from the Project site, and the weight and speed limits on local roads used to access the Project site. Wherever possible, construction truck travel will occur on collector and arterial roads, not on local or resident streets.
- Repair or restore any damage attributable to haul trucks on haul routes 1 to the satisfaction of the appropriate agency.
- Require traffic controls on Rio Road east and the Project entrance driveway, including flag persons wearing bright orange or red vests and using a "Stop/Slow" paddle to control oncoming traffic.
- Lane closure procedures, including signs, cones, and other warning devices for drivers, will be identified as appropriate.
- Use of steel plates to maintain through-traffic on roads will be considered, and construction access routes will be identified.
- Construction staging is anticipated to occur on-site for all Project components and will be verified by the County.
- Provide adequate on-site parking for all construction workers to minimize the impact on area roads. When on-site parking cannot be provided, alternative parking and shuttle systems will be developed and verified by the County.

Compliance or Monitoring Action to be Performed: Prior to issuance of any grading and/or building permit, the Applicant or successor in interest shall develop a Construction Traffic Control Plan, for review and approval by HCD Engineering Services on behalf of Public Works.

112. EDDSP001 - INCLUSIONARY HOUSING REQUIREMENT (NON-STANDARD)

Responsible Department: Economic Development

Condition/Mitigation Monitoring Measure: The applicant or the successor(s) in interest shall provide on-site 40 income restricted rental units. The mix of affordability shall include eight very low-income units, eight low-income units, twelve moderate-income units and twelve workforce income units. The development shall include at least four 1-bedroom units, twenty-eight 2- bedroom 2-bathroom units and eight 3-bedroom 2-bathroom units.

Prior to recordation of the Final Map, the owner or successor(s) of interest and County shall enter into an Affordable Housing Agreement. The Affordable Housing Agreement shall be recorded concurrent with the Final Map.

The Affordable Housing Agreement shall be drafted in accordance with the County's Inclusionary Housing Ordinance and stipulate the levels of affordability and unit types, as conditioned herein, and shall provide that the income restricted units shall remain so in perpetuity. The Agreement shall also stipulate that applications for the proper planning approvals be submitted to the County within one year of Final Map recordation, building permits be obtained within two and a half years of Final Map recordation, and certificate of occupancy obtained within five years of the recordation of the Final Map. The Agreement shall further indicate that should the owner or successor(s) of interest fail to obtain building permits within the two and a half years of Final Map recordation, that they shall post a bond or other financial security acceptable to the County sufficient to cover the construction costs of the income restricted units within a mutually agreed time frame; and describe the owner or successor(s) of interest's ongoing obligations to manage the income restricted units.

Compliance or Monitoring Action to be Performed: Prior to the recordation of the final map for the subdivision, the Applicant shall execute and record an Inclusionary Housing Agreement acceptable to the Housing Program Manager that contains specific requirements implementing the condition of approval.

Attachment B.2

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DRAFT ZONING ORDINANCE AND ZONING MAP

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA AMENDING SECTION 21-16 OF THE SECTIONAL DISTRICT MAPS OF TITLE 21 (NON-COASTAL ZONING) OF THE MONTEREY COUNTY CODE TO REZONE APPROXIMATELY 77 ACRES OF THE FORMER RANCHO CAÑADA WEST GOLF COURSE AND AMENDING SECTIONS 21.10.070 AND 21.12.070 OF TITLE 21 TO ADD SPECIAL HEIGHT, SETBACK, LOT COVERAGE, AND FLOOR AREA RATIO REGULATIONS APPLICABLE TO LOTS CREATED BY THE RANCHO CAÑADA SUBDIVISION.

County Counsel Summary

This ordinance amends Section 21-16 of the Sectional District Maps of Section 21.08.060 of Title 21 (Zoning) of the Monterey County Code to change the zoning classification from “PQP-D-S-RAZ” to “MDR-D-S” on 22 acres, to “HDR-D-S” on 7.7 acres, and to Open Space (O) on approximately 47.7 acres on the former site of the Rancho Cañada West Golf Course (Assessor’s Parcel Numbers 015-162-017-000, 015-162-025-000, 015-162-026-000, 015-162-040-000, 015-162-048-000, 015-162-049-000, 015-062-009-000 and portions of 015-162-043-000 and 015-162-051-000). This ordinance also amends sections 21.10.070 (High Density Residential Zoning District special regulations) and 21.12.070 (Medium Density Residential Zoning Districts special regulations) of the Monterey County Code to include special setback, height, lot coverage, and floor area ratio regulations for development in the Rancho Cañada Village Subdivision. The ordinance will become operative only upon recordation of the final map for the Rancho Cañada Village Subdivision.

The Board of Supervisors of the County of Monterey ordains as follows:

SECTION 1. Section 21-16 of the Sectional District Maps of the Monterey County Code is hereby amended to make the following changes to zoning:

A. change the zoning classification from “PQP-D-S-RAZ” (Public/Quasi-Public with Design Control, Site Plan Review, and Residential Allocation Zoning Overlays) to “MDR/3-D-S” (Medium Density Residential, 3 units per acre, with Design Control and Site Plan Review Zoning Overlays) on parcels B1, B2, B3, J, K, L, and residential lots 1 through 93 as shown on the Vesting Tentative Map (Alternative 6B) for Rancho Cañada Village Subdivision, consisting of approximately 22 acres;

B. change the zoning classification from “PQP-D-S-RAZ” to “HDR/10-D-S” (High Density Residential, ten units per acre, with Design Control and Site Plan Review Zoning Overlays) on parcel A of the Vesting Tentative Map (Alternative 6B) for Rancho Cañada Village Subdivision consisting of approximately 5 acres;

C. change the zoning classification from “PQP-D-S-RAZ” to “HDR/5-D-S” (High Density Residential, five units per acre, with Design Control and Site Plan Review Zoning Overlays) on Parcels C and P, townhouse lots 94 through 105, and Powerhouse parcel of the

Vesting Tentative Map (Alternative 6B) for Rancho Cañada Village Subdivision, consisting of approximately 2.7 acres; and

D. change the zoning classification from “PQP-D-S-RAZ” to the “O” (Open Space) on parcels D, E, F, G, H, I, and Well parcels #1 and #2 of the Vesting Tentative Map for Rancho Cañada Village Subdivision, consisting of approximately 47.7 acres, (former West Course of the Rancho Cañada Golf Course; Assessor’s Parcel Numbers 015-162-017-000, 015-162-025-000, 015-162-026-000, 015-162-040-000, 015-162-048-000, 015-162-049-000, 015-062-009-000 and portions of 015-162-043-000 and 015-162-051-000), all as more particularly shown on the map attached hereto as **Exhibit A** and incorporated herein by reference.

SECTION 2. Subsection F is hereby added to Section 21.10.070 of the Monterey County Code to read as follows:

- F. The HDR/5 District in the Rancho Cañada Village Subdivision, as shown on Section 21-16 of the Sectional District Maps, is subject to the following development standards.
1. Minimum Building Site. The minimum building site shall be one thousand six hundred (1,600) square feet.
 2. All structures (Main structure, Accessory habitable structures, and Accessory non-habitable structures)
 - a. Minimum Setbacks. There shall be no minimum setbacks. All development shall be located within the lots shown on the Final Map for the Rancho Cañada Village Subdivision.
 - b. Height. Maximum height: twenty-four (24) feet.
 - c. Minimum distance between structures. There shall be no minimum distance required between structures within the townhome lots.
 - d. Building Site Coverage. Maximum: eighty percent (80%).

SECTION 3. Subsection F is hereby added to Section 21.12.070 of the Monterey County Code is to read as follows:

- F. The MDR District in the Rancho Cañada Village Subdivision, as shown on Section 21-16 of the Sectional District Maps, is subject to the following development standards.
1. Minimum Building Site. The minimum building site which may be created shall be six thousand (6,000) square feet for single family detached homes. Minimum lot width/frontage shall be one hundred (100) feet.
 2. Main Structures
 - a. Minimum Setbacks.
 - Front: fifteen (15) feet.
 - Front, Corner lots: ten (10) feet along the front not shared with a key lot.
 - Side, first story: four (4) feet
 - Side, second story: seven (7) feet
 - Rear: twenty (20) feet
 - b. Height. Maximum height: twenty-four (24) feet
 3. Accessory Structures (Habitable and non-habitable)
 - a. Minimum Setbacks.
 - Front: twenty (20) feet (The minimum front yard setback of any garage, carport, or parking pad is 20 feet from the front property line.)
 - Side: as above for main structures.
 - Rear: one (1) foot.

- 4. Minimum Distance Between Structures. Main structures: ten (10) feet
- 5. Building Site Coverage. Maximum: forty percent (40%)
- 6. Floor Area Ratio (FAR): Maximum: forty percent (40%)
- 7. Design. Architectural features such as bay windows, chimneys, stairways, recesses or projections, elements characteristic of Carmel Valley residences are encouraged to avoid long, unmodulated building façades.

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 4. EFFECTIVE AND OPERATIVE DATES. This Ordinance shall become effective upon the thirty-first day after adoption. This Ordinance shall become operative only upon recordation of the final map for the Rancho Cañada Village subdivision (PLN040061-AMD1).

PASSED AND ADOPTED this ____ day of _____, 2021 by the following vote:

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

 Wendy Root Askew, Chair
 Monterey County Board of Supervisors

A T T E S T:

Valerie Ralph
 Clerk of the Board of Supervisors

By: _____
 Deputy

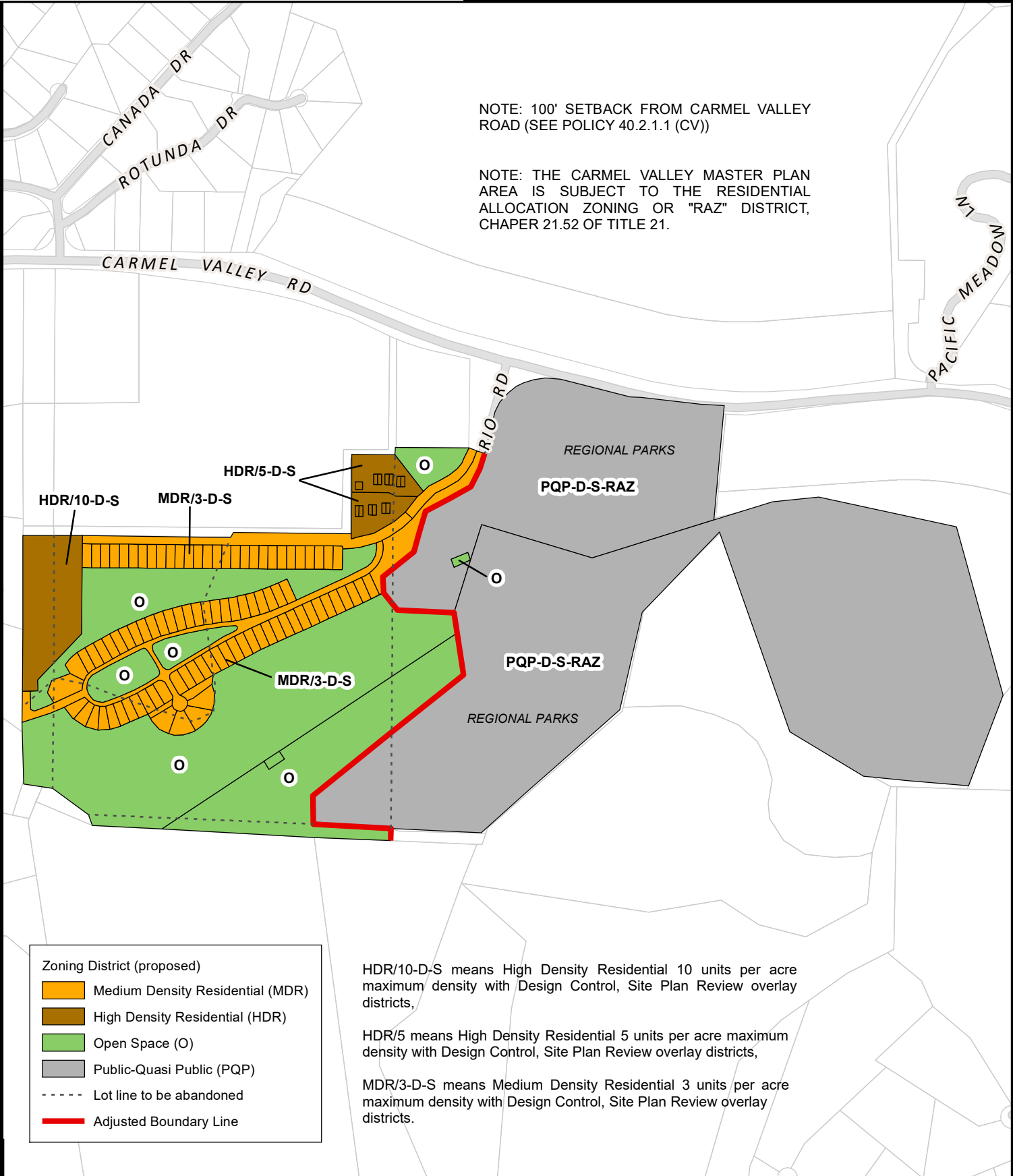
APPROVED AS TO FORM BY: _____ Wendy S. Strimling Assistant County Counsel
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Exhibit A.1 to Attachment B.2

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NOTE: 100' SETBACK FROM CARMEL VALLEY ROAD (SEE POLICY 40.2.1.1 (CV))

NOTE: THE CARMEL VALLEY MASTER PLAN AREA IS SUBJECT TO THE RESIDENTIAL ALLOCATION ZONING OR "RAZ" DISTRICT, CHAPER 21.52 OF TITLE 21.



Zoning District (proposed)

- Medium Density Residential (MDR)
- High Density Residential (HDR)
- Open Space (O)
- Public-Quasi Public (PQP)
- Lot line to be abandoned
- Adjusted Boundary Line

HDR/10-D-S means High Density Residential 10 units per acre maximum density with Design Control, Site Plan Review overlay districts,

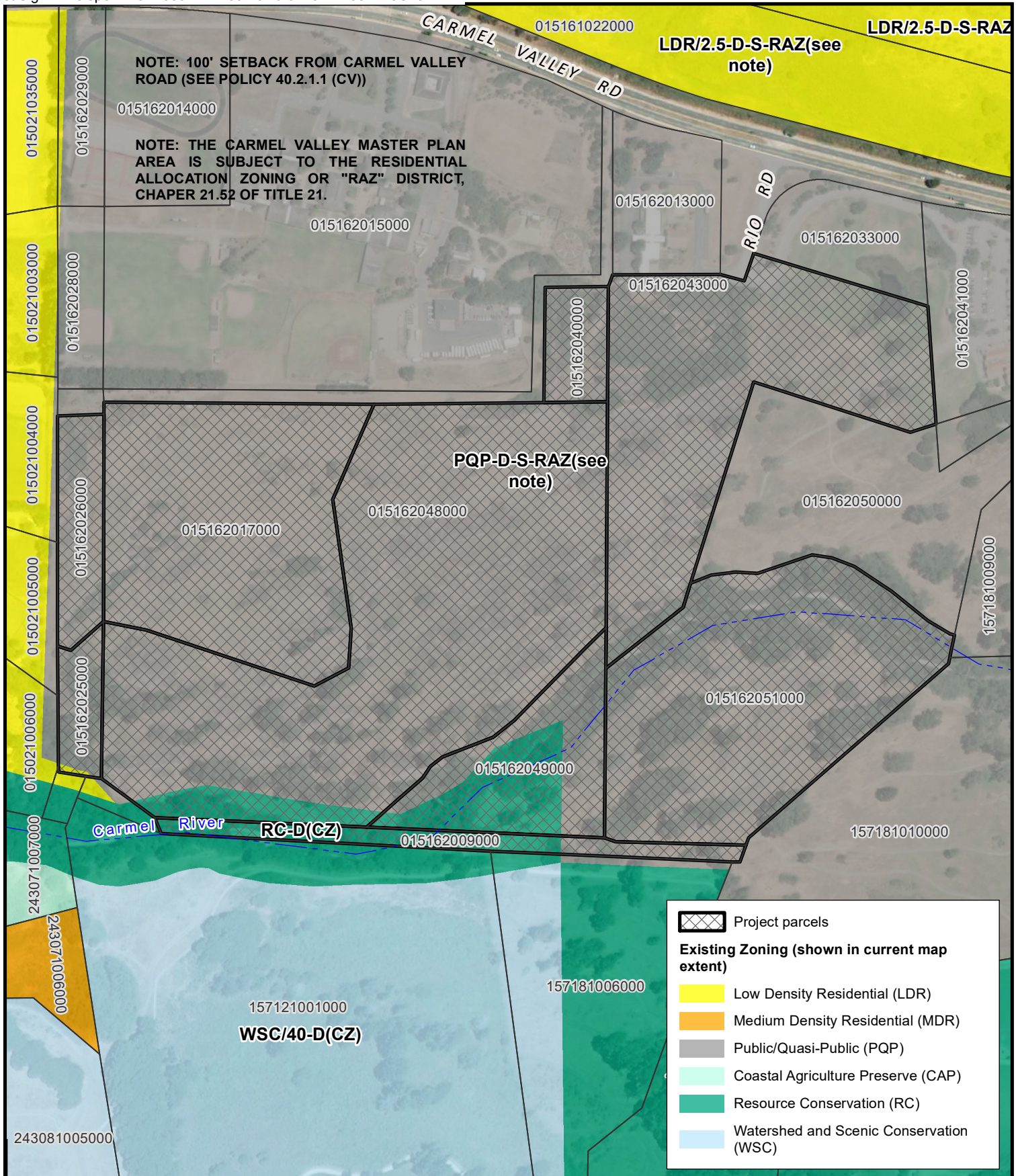
HDR/5 means High Density Residential 5 units per acre maximum density with Design Control, Site Plan Review overlay districts,

MDR/3-D-S means Medium Density Residential 3 units per acre maximum density with Design Control, Site Plan Review overlay districts.

REZONING: SECTION 21-16, TITLE 21		
PROJECT: RANCHO CAÑADA VILLAGE		
APN: 015-162-009-000, 015-162-017-000, 015-162-025-000, 015-162-026-000, 015-162-040-000, 015-162-048-000, 015-162-049-000, and portions of 015-162-043-000 and 015-162-051-000		

Exhibit A.2 to Attachment B.2

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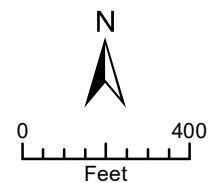


EXISTING ZONING & PARCEL BOUNDARIES

PROJECT: RANCHO CANADA VILLAGE

ZONING SECTION 21-16

APN: 015-162-017-000, 015-162-025-000, 015-162-026-000, 015-162-040-000, 015-162-048-000, 015-162-049-000, and portions of 015-162-043-000 and 015-162-051-000 and 015-162-009



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Planning Commission Resolution No. 21-024

**Before the Planning Commission
in and for the County of Monterey, State of California**

In the matter of the application of:

RANCHO CANADA VILLAGE (PLN040061-AMD1) RESOLUTION NO. 21-024

Resolution by the Monterey County
Planning Commission regarding proposed
Amendment to Policy CV-1.27 of the 2010
General Plan/Carmel Valley Master Plan

WHEREAS, on May 5 and June 9, 2021, the Monterey County Planning Commission held a duly noticed public hearing on the Rancho Canada Village Amended application, which includes a proposed amendment to Carmel Valley Master Plan Policy CV-1.27, an ordinance to rezone the property, and a Combined Development Permit for a Vesting Tentative Map and related discretionary permits for the Rancho Canada Village project (PLN040061-AMD1);

WHEREAS, concurrently herewith, the Planning Commission voted to recommend that the Board of Supervisors certify the Rancho Canada Village Second Final Environmental Impact Report, adopt CEQA findings and a Statement of Overriding Considerations, adopt a zoning ordinance to rezone the project site, and approve a Combined Development Permit for the Rancho Canada Village project;

WHEREAS, the proposed General Plan amendment would amend the text of Policy CV-1.27 of the Carmel Valley Master Plan, which is Chapter 9-B of the 2010 General Plan, to modify the requirement for a minimum of 50% affordable/workforce housing to an affordable housing requirement that is more appropriately scaled to the size of the proposed project, notwithstanding any other General Plan policies, as more specifically shown in strikethrough/italics below:

Special Treatment Area: Rancho Cañada ~~Canada~~ Village - Up to 40 acres within properties located generally between Val Verde Drive and the former Rancho Canada Golf Course, from the Carmel River to Carmel Valley Road, excluding portions of properties in floodplain shall be designated as a Special Treatment Area. Notwithstanding any other General Plan policies, r~~Residential~~ development may be allowed with a density of up to 10 units/acre in this area and shall provide a minimum of ~~50%~~ 20% Affordable/~~Workforce~~ Housing. Prior to beginning new residential development (excluding the first unit on an existing lot of record), projects must address environmental resource constraints (e.g.; water, traffic, flooding).

WHEREAS, Government Code section 65354 requires the Planning Commission to make a written recommendation to the Board of Supervisors on proposed amendments to the General Plan and further provides that a recommendation for approval requires an "affirmative vote of not less than a majority of the total membership of the commission";

WHEREAS, the Planning Commission consists of ten members, and accordingly, a motion to recommend approval of the amendment requires an affirmative vote of at least six members of the Commission to pass and otherwise fails; and

WHEREAS, in light of Government Code section 65354, the Planning Commission entertained a separate motion on only the proposed General Plan amendment;

NOW, THEREFORE, the Monterey County Planning Commission recommends that the Board of Supervisors adopt an amendment to Policy CV-1.27 of the Carmel Valley Master Plan, to be amended as shown in strikethrough and underline as follows:

Special Treatment Area: Rancho Cañada ~~Canada~~ Village - Up to 40 acres within properties located generally between Val Verde Drive and the former Rancho Canada Golf Course, from the Carmel River to Carmel Valley Road, excluding portions of properties in floodplain shall be designated as a Special Treatment Area. Notwithstanding any other General Plan policies, r~~Residential~~ development may be allowed with a density of up to 10 units/acre in this area and shall provide a minimum of ~~50%~~ 20% Affordable/~~Workforce~~ Housing. Prior to beginning new residential development (excluding the first unit on an existing lot of record), projects must address environmental resource constraints (e.g.; water, traffic, flooding).

PASSED AND ADOPTED this ninth day of June, 2021 by the following vote:

AYES: Coffelt, Getzelman, Duflock, Mendoza, Daniels, Monsalve, Diehl, Gonzales, Ambriz
NOES: None
ABSENT: Roberts
ABSTAIN: None

DocuSigned by:

75F46D591F65425
Erik V. Lundquist, Planning Commission Secretary