

MONTEREY COUNTY RESOURCE MANAGEMENT AGENCY

Carl P. Holm, AICP, Director



Building Services / Environmental Services / Planning Services / Public Works & Facilities
168 W. Alisal Street, 2nd Floor (831)755-4800
Salinas, California 93901 www.co.monterey.ca.us/rma

MEMORANDUM

Date: December 9, 2016

To: Monterey County Board of Supervisors

From: Jacqueline R. Onciano, Interim Chief of Planning

Subject: Agenda Item No. 13 – PLN040061 – Rancho Canada Ventures, LLC (Rancho Canada Village Subdivision); Revised Exhibit B.1- Draft Resolution with Attachment B1 – Conditions of Approval/and Mitigation Monitoring and Reporting Plan

Attached is a Revised Exhibit B.1 – Draft Resolution (both redline and clean version) with Conditions of Approval/and Mitigation Monitoring and Reporting Plan. The redline resolution reflects clerical corrections that include minor typos, the removal of duplicative findings and appropriate location of supportive evidence. Additionally, the compliance of the conditions have been revised to reflect the appropriate phase of the project.

**ATTACHMENT B - Clean Version
DRAFT RESOLUTION**

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

In the matter of the application of:

RANCHO CANADA VILLAGE (PLN040061)

RESOLUTION NO. 16 - ____

Resolution by the Monterey County Board of Supervisors:

- 1) Certifying the Rancho Canada Village Environmental Impact Report;
- 2) Adopting CEQA Findings and a Statement of Overriding Considerations;
- 3) Amending Policy CV-1.27 of the 2010 General Plan/Carmel Valley Master Plan reducing the percentage of affordable/workforce housing required from 50% to 20% affordable;
- 4) Approving a Combined Development Permit consisting of Vesting Tentative Subdivision Map for the 130 unit Alternative; Use Permits for development in the Carmel River Floodplain, for tree removal, and for grading and infrastructure installation; and
- 5) Adopting a Mitigation Monitoring and Reporting Plan.

[4860 Carmel Valley Road, 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; 015-162-025-000, 015-162-026-000, 015-162-033-000, 015-162-039-000, 015-162-040-000, 015-162-041-000, 015-162-042-000, 015-162-043-000, 015-162-045-000, 015-162-046-000 and 015-162-047-000.]

The Rancho Canada Village application (PLN040061) came on for public hearing before the Monterey County Board of Supervisors on December 13, 2016. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Board of Supervisors finds and decides as follows:

FINDINGS

- 1. FINDING: CONSISTENCY** – The project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.

- EVIDENCE:** a) Project Description. The proposed project, referred to as the 130-unit Alternative (Alternative) in the FEIR, is a 130-unit residential subdivision consisting of 118 single-family residential parcels and 12 condominium lots/units (hereafter referred to as “project” or “Alternative”). The revised Vesting Tentative Map divides 81.7 acres into 118 single-family residential parcels; one condominium parcel with 12 condominium lots/units; and seven (7) parcels for roadway, open space and common area purposes serving the residential subdivision. The project includes a General Plan amendment to amend Carmel Valley Master Plan Policy CV-1.27 and rezoning, as described further below. The 130-unit Alternative occupies an approximately 82-acre area of the former West Course of the Rancho Canada Golf Club and also includes a 4.6-acre parcel (Lot 130), approximately one-half mile northeast of the main project area, which is presently developed with maintenance facilities and a residence; the Alternative would allow for the future redevelopment of one residence on Lot 130. Residential lots and roadways make up approximately 28 acres of the site; approximately 53 acres of the site are open space, conservation and common areas.

Applicant proposes to transfer 60 acre-feet/year (AFY) of water to California-American Water (Cal-Am) and to dedicate an additional 50 AFY of water for in-stream purposes to the Carmel River. Water transfer and dedication has been evaluated as part of the project EIR, but require actions by agencies other than Monterey County. Proposed site improvements include a below-grade storm drainage pipe along the western project boundary to accommodate off-site drainage and a culvert to address area-wide riparian flooding.

The entire Alternative site (including Lot 130 of the Alternative) 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 use as a public golf course. Approval of the Alternative requires a General Plan Amendment amending CVMP Policy CV-1.27 due to the proportion of affordable units proposed. Rezoning to the Medium-Density Residential (MDR) Zoning District, is proposed, but not required, to be consistent with the proposed density of the Alternative. In order to fully develop the Alternative, in addition to a Vesting Tentative Map for a Standard Subdivision the Combined Development Permit includes use permits for development in the Carmel River Floodplain, tree removal (up to 139 native trees would be removed), and grading (no imported fill material is proposed) and infrastructure installation and site improvements will also be required.

- b) The Alternative 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, 4860 Carmel Valley Road, Carmel Valley. Lot 130 of the Alternative is located on the south side of Carmel Valley Road, approximately 1 mile east of State Highway 1. The 130-unit Alternative consists of or includes portions of Assessor Parcel Numbers (APNs): 015-162-009-000, 015-162-017; 015-162-025-000, 015-162-026-000, 015-162-033-000, 015-162-039-000, 015-162-040-000, 015-162-041-000, 015-162-042-000, 015-162-043-000, 015-162-045-000, 015-162-046-000 and 015-162-047-000. The site is within the Carmel Valley Master Plan area.

The applicant is Rancho Canada Ventures, LLC. The applicant's predecessor in interest submitted the original project application to the County in April 2004, and the application was deemed complete on August 10, 2005. The application included a specific plan and a 281-unit residential subdivision (hereafter the "RCV Project") and open space/recreational improvement. The project is substantially the same, but a specific plan is no longer required with the Special Treatment Area overlay. The EIR analyzed the 281-unit RCV Project and the 130-unit Alternative which is the subject of this resolution.

- c) During the course of review of this application, the Alternative has been reviewed for consistency with the text, policies, and regulations in the:
- 2010 Monterey County General Plan;
 - 2010 Greater Monterey Peninsula Area Plan;
 - 2010 Carmel Valley Master Plan (CVMP);
 - Health and Safety Ordinances (Title 10)
 - Public Service Ordinances (Title 15)
 - Environmental Ordinances (Title 16);
 - Building and Construction Ordinances (Title 18);
 - Monterey County Zoning Ordinance (Title 21);
 - Subdivision Ordinance (Title 19).

2. FINDING:

GENERAL PLAN CONFORMANCE: The Project is subject to the 2010 General Plan and includes a General Plan Amendment to General Plan/CVMP Policy CV-1.27 to ensure conformance with the General Plan.

EVIDENCE:

- a) General Plan/CVMP Policy CV-1.27 - 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 (c).) The 130 unit Alternative project would need an amendment to the land use designation of the 1982 General Plan if the project were subject to the 1982 General Plan. Instead, as is allowable under the Map Act, the applicant has elected

to come under the 2010 General Plan/CVMP Policy CV-1.27 (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, the County is applying the 2010 General Plan to this project.

The entire Alternative site, including Lot 130, is designated Public/Quasi-Public (P/Q-P) by the General Plan//CVMP, with a Special Treatment Area (CVMP Policy CV-1.27) designation allowing for residential development subject to certain provisions, despite the P/Q-P designation. Due to the existing Special Treatment Area, which allows residential development, the Alternative is not inconsistent with the General Plan in terms of land use. The General Plan/CVMP Amendment included in the Alternative is to modify the text of the Special Treatment Area solely to address the issue of the required minimum percentage of affordable/workforce housing, reducing the requirement from 50% affordable/workforce to 20% affordable. Therefore, through adoption of the General Plan/CVMP Amendment, the Alternative is consistent with the General Plan. With the amendment, the Alternative is consistent with the 2010 General Plan/CVMP. The proposed General Plan amendment is as follows (changes shown in strikethrough/italics):

Special Treatment Area: Rancho Canada Village – Up to 40 acres within properties located generally between Val Verde Drive and the Rancho Canada 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 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). (APN: 015-162-017-000, 015-162-025-000, 015-162-026-000, 015-162-039-000 and 015-162-040-000, 015-162-033-000, 015-162-035-000, 015-162-036-000, 015-162-037-000, 015-162-038-000, 015-021- 005-000).

A rezoning of the site from Public/Quasi-Public (P/Q-P) to Medium-Density Residential (MDR) and Low-Density Residential (LDR) (Lot 130), to conform to the General Plan Special Treatment Area, is also proposed. The Board is considering an ordinance to rezone the property concurrently with adoption of this resolution. The ordinance updates the zoning of the property to be consistent with the density allowed by CV-1.27 and the proposed residential land use and density of the sites being rezoned. The rezoning also assures that application of MDR and LDR development standards are applied respectively to specific lots to be created if and when the Rancho Canada Village

subdivision final map is recorded.

The Alternative site is located on the south side of Carmel Valley Road, approximately 0.6 miles east of State Highway 1 on the western portion of the former West Course of the Rancho Canada Golf Club; one additional, noncontiguous, 4.6-acre parcel (Lot 130) included in the Alternative is located approximately 0.5 miles east of the former West Course site. The total area of the Alternative site is approximately 81.7 acres, 39.4 acres of which, adjacent to the Carmel River, is designated as permanent open space and conservation uses, leaving 42.3 acres for residential use and common areas serving the residential lots. Based on an area of 42.3 acres the residential density of the Alternative is 3.07 units/acre. Of the approximately 42.3 acres, 28.5 of which are devoted to residential use, for a density of 4.56 units/acre. Whether density is considered at either 3.07 units/acre or 4.56, the Alternative is consistent with the Medium-Density Residential (MDR) General Plan and Zoning District density ranges of 1-5 units/acre. A zoning change re-designating the site from the existing P/Q-P to MDR and LDR (only Lot 130) is included in the Alternative project. Like other Carmel Valley properties, the Alternative site, including Lot 130, is presently in the Site Plan Review (S) and Design Control (D) overlay Zoning Districts. The rezoning of the western portion of the Alternative site to from P/Q-P to MDR will not alter the S and D overlay designations, the site will remain in both the S and D districts and subject to the districts' requirements.

- b) General Plan/CVMP Policy CV-1.6 - On October 26, 2010, the Board of Supervisors adopted the 2010 Monterey County General Plan, including an updated CVMP. Following a lengthy process that included consideration of a Community Area or Rural Center designation at the mouth of the Carmel Valley, the 2010 GP established a residential subdivision building cap (CVMP Policy CV-1.6) of 266 new residential lots or units in Carmel Valley. In recognition of the proposed RCV Project, the 2010 General Plan also established a Special Treatment Area (CVMP Policy CV-1.27), discussed above, for the Rancho Canada Golf Club site that would allow residential development to occur despite the Area's underlying P/Q-P General Plan land use and zoning designations. Residential subdivision and development is not otherwise allowed on P/Q-P designated properties (the exception being one residence on an existing P/Q-P designated lot) in Monterey County. Subsequent litigation by Carmel Valley Association (CVA) resulted in amendments to the CVMP in February 2013. Amendments included lowering of the building cap to 190 new residential units, 24 units of which are reserved for the Delfino Property (former Carmel Valley Airport). Effectively, after the adoption of the 2013 amendment, 166 new units were available for development throughout Carmel Valley, other than on the Delfino property.

The establishment of the 190-unit cap under CVMP Policy CV-1.6 is a guiding policy in terms of land use, development and traffic control throughout Carmel Valley. To date, six (6) units subject to the cap have been approved. This means that with the Delfino property reservation there are 160 new units currently available under the residential cap. Therefore, the 130-unit Alternative is within the limit of the new residential unit cap established by Policy CV-1.6.

- c) General Plan/CVMP Policy CV-2.17 – This policy provides that during review of development applications that require a discretionary permit, if traffic analysis of the proposed project indicates that the project would result in traffic conditions that would exceed the standards described in Policy CV-2.17(f), after the analysis takes into consideration the Carmel Valley Traffic Improvement Program to be funded by the Carmel Valley Road traffic Mitigation Fee, then approval of the project shall be conditioned on the prior (e.g., prior to project-generated traffic) construction of additional roadway improvements or an Environmental Impact Report shall be prepared for the project, which will include evaluation of traffic impacts based on the ADT methodology. This project is consistent with the policy because an EIR which includes evaluation of traffic impacts using ADT methodology has been prepared for this project.

- d) General Plan Land Use Policy LU-9.3 states:

Tentative subdivision maps for both standard and minor subdivisions that were approved prior to the adoption of this [2010] general plan may record final maps subject to meeting all conditions of approval and other legal requirements for the filing of parcel or final maps. Applications for standard and minor subdivision maps that were deemed complete on or before October 16, 2007 shall be governed by the plans, policies, ordinances and standards in effect at the time the application was deemed complete (emphasis added). Applications for standard and minor subdivision maps that were deemed complete after October 16, 2007 shall be subject to this General Plan and the ordinances, policies, and standards that are enacted and in effect as a result of this General Plan.

This policy implements the Subdivision Map Act, specifically Government Code Section 66474.2. Government Code section 66474.2 requires that a local agency apply only those ordinances, standards, and policies in effect when a subdivision application is deemed complete. However, section 66474.2 has two exceptions: subsection (b) allows application of later adopted ordinances, policies, and standards enacted as result of proceedings to change the applicable general plan; and

subsection (c) which allows application of applicant-requested changes in the ordinances, standards, and policies if such changes are adopted. Policy LU 9.3 was intended to implement subsection (b) of Government Code section 66474.2, enabling the County to apply the 2010 General Plan to subdivision applications deemed complete after October 16, 2007. It was not meant to, and does not, preclude application of the 2010 General Plan to a project application deemed complete prior to 2007, which is allowable under Government Code subsection (c) of section 66474.2 if applicant agrees. Since the 1982 Monterey County General Plan that was in effect at the time the Project was deemed complete in August 2005 designated the site Public/Quasi-Public, a designation that does not allow residential subdivisions, the Alternative includes a General Plan Amendment to the current 2010 General Plan, in accordance with the applicant's request. The amendment would allow residential subdivision through the site-specific Special Treatment Area (Policy CV-1.27) criteria and modify the minimum percentage of affordable/workforce housing required from 50% affordable/workforce to 20% affordable, making the Alternative consistent the 2010 General Plan.

- e) General Plan Policy LU-9.6 - 2010 General Plan, Land Use Policy LU-9.6 states in part: The Board shall consider two packages of General Plan amendments per year. Projects deemed complete prior to October 16, 2007 shall not be subject to this limit. The language of Policy LU-9.6, establishes that projects “deemed complete” prior to October 16, 2007 are not subject to the two-times-per-year General Plan Amendment rule. The project was deemed complete on August 10, 2005, over two years prior. Therefore, adoption of the General Plan Amendment included in the Alternative project that amends Policy CV-1.27 modifying the minimum percentage of required affordable housing from 50% affordable/workforce to 20% affordable is consistent with the policy without being subject to LU 9.6's limit on general plan amendments.
- f) General Plan Policy LU-1.19 - The Alternative project, as proposed and conditioned, is consistent with the provisions of General Plan Policy LU-1.19. The Policy's applicability to the site is uncertain due to the Policy's intent to apply to areas of the County not targeted for development, unlike the Special Treatment Area (CV-1.27), which specifically identified a higher intensity of development for the site. Given the Alternative's location in Carmel Valley, it is outside of a Community Area, Rural Center or Affordable Housing Overlay, the areas that are specified as exempt from Policy LU-1.19. Assuming that Policy LU-1.19 does apply to Special Treatment Areas, the Board finds that the project passes the DES criteria. While the Alternative is being considered in advance of finalizing the Development Evaluation

System (DES), the County has previously applied the DES evaluation criteria to other projects pending finalization of the DES by including evidence as part of the resolution. Therefore, the fact that the County has not adopted the DES does not preclude consideration of the project. This resolution includes evaluation of this development in accordance with Policy LU-1.19.

The Alternative project, meets the evaluation criteria set forth in Policy LU-1.19, and through the included General Plan Amendment allowing for a 20% minimum of affordable housing notwithstanding any other General Plan policies, the Alternative is consistent with the DES criteria stipulating a minimum 35% affordable/Workforce housing. Therefore, 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. The following is the text of Policy LU-1.19 and a summary of the Alternative's consistency with the policy's criteria:

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.”

Given the Project’s infill nature (the site has been developed as a 36-hole public golf course for over 40 years) and location at the Mouth of Carmel Valley, near existing communities, infrastructure (major roadways, water, sewer) and services, the 130-unit Alternative is consistent with the majority of the specified DES criteria, if the criteria are deemed to apply to an infill location such as the proposed site. As with the Special Treatment Area, the Inclusionary Ordinance and General Plan Policy LU-2.13, the one potential area of inconsistency between the 130-unit Alternative 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, the RCV site is designated as a Special Treatment Area (CVMP Policy CV-1.27) by the 2010 General Plan; a site-specific designation that was established in acknowledgement of the RCV Project and, accordingly, treats the property in a manner unique to its location. Under the Special Treatment Area designation, the originally proposed 281-unit Project would have provided nearly 50% affordable/workforce housing, but, due to the unit cap in CVMP Policy CV-1.6 the 281-unit Project cannot be approved without a General Plan Amendment increasing or eliminating the 190-new units cap. Therefore, as previously discussed, a General Plan Amendment modifying the Special Treatment Area’s 50% affordable/workforce housing provision is included as part of the Alternative.

Specifically addressing Policy LU-1.19’s criteria: In terms 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 the type of residential development proposed. Moreover, the site’s suitability for a residential project like the RCV proposal is reflected in the Special Treatment Area designation and criteria placed on the project site, allowing for a residential project of this scale and density on the existing Rancho Canada Golf Course. The site’s location also provides direct 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 has long been developed and used as a public golf course, meaning that the proposed RCV project will result in less water usage than baseline conditions. For instance, it is estimated that the residential component of the 130-unit Alternative will use approximately one-third the water historically used by the West Course. To reiterate, the site’s location in the more intensely developed Mouth of the Valley also 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.

Regarding the criteria “mix/balance of uses” and “jobs-housing balance,” the Alternative proposes a significant amount of much-needed housing at the Mouth of the Valley. As discussed, the Alternative is subject to the County’s Inclusionary Housing Program, and will result in 25 units of housing with an affordability restriction requiring those units to be affordable to moderate income households. Also, through the mix of housing types proposed (i.e., small-lot single-family detached, duet units and apartments/condominiums) the housing should be “affordable by design” relative to the large-lot, single-family detached residences more characteristic of Carmel Valley. While the majority of the Alternative’s proposed units would not be subject to affordability deed restriction, the proposed mix of small-lot attached and detached housing units builds in a degree of relative affordability and would, based on recent housing trends, provides housing types more in sync with younger, working families and seniors. As stated by the applicant, County finds that due to the significant reduction in housing units from the original 281-unit Project, the 130-unit Alternative 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 will be resolved. Under the proposed General Plan amendment, 20% of the units would be deed-restricted to be affordable to moderate income households (up to 120% of median income), which would still result in needed affordable housing in Carmel Valley.

Finally, regarding “resource management” and “environmental impacts and potential mitigations,” the Alternative would create a residential development compatible with the easterly portion of the property (previously an 18-hole East Golf Course) which will likely become permanent open space and park land in the near future based on the site’s recent purchase by the Public Trust for Land and the surrounding park and open space land to the south. Specifically, the

Alternative would add and enhance native landscaping, trails and natural-looking ponds to accommodate onsite drainage and benefit wildlife. The project site will also include connections to the existing bridge over the Carmel River, linking the site with Palo Corona Regional Park, and will maintain wildlife corridors allowing species access through the site to regional open space areas.

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 Alternative is consistent with the policy.

- g) General Plan Policy LU-2.13 - Policy LU-2.13 of the 2010 General Plan requires changing the Inclusionary Housing Ordinance to require a proportion of 25% affordable units, retaining the 20% for low, very-low and moderate income levels and adding 5% for workforce units. Policy LU-2.13 states:

The County shall assure consistent application of an Affordable Housing Ordinance that requires 25% of new housing units be affordable to very low, low, moderate, and workforce income households. The Affordable Housing Ordinance shall include the following minimum requirements:

- a) 6% of the units affordable to very low-income households*
- b) 6% of the units affordable to low-income households*
- c) 8% of the units affordable to moderate-income households*
- d) 5% of the units affordable to Workforce I income households*

The County's Inclusionary Housing Ordinance (Chapter 18.40) requires 20% of new housing units to be affordable to very low, low and moderate-income households at the percentages specified in Policy LU-2.13. Unlike Policy LU-2.13, the Inclusionary Ordinance does not require 5% of new units to be affordable to Workforce I (120%-150% of median County household income) income households. To date, no residential projects have been required to provide 25% affordable units, consistent with Policy LU-2.13.

The basis for the applicant's position for the Alternative to provide 20% affordable units to moderate income households is the significant reduction in units from the originally proposed 281-unit Project, which understandably made a higher proportion of affordable/workforce units more financially viable. It is plausible that had the 130-unit Alternative been a likely or foreseeable option at the time that the site's Special Treatment Area designation (CVMP Policy CV-1.27) was adopted the requirement for a minimum of 50% affordable/workforce housing would not have been included in the 2010 General Plan. The 130-unit Alternative, at 3.25 units/acre

(based on 40 acres), is well below the 10 units/acre density allowed by the Special Treatment Area, indicating a fundamental relationship (i.e., the greater the density the greater the percentage of affordability) between density and affordability. Since approval of the 130-unit Alternative includes a General Plan Amendment to the site-specific Special Treatment Area (Policy CV-1.27) language modifying the minimum affordable/workforce housing requirement from 50% to 20% affordable, *notwithstanding any other General Plan policies*, the Alternative is consistent with General Plan Policy LU-2.13.

- 3. FINDING: LONG-TERM SUSTAINABLE WATER SUPPLY AND ADEQUATE WATER SUPPLY SYSTEM** – The project has a long-term, sustainable water supply, both in quality and quantity, and an adequate water supply system to serve the development as required by General Plan Policies PS-3.1, PS-3.2, and PS-3.9.

- EVIDENCE:** a) The new development will use or require the use of water. The 130 residential units and associated facilities will use approximately 70 acre feet per year (AFY) of water. The EIR analysis concludes that there is more than enough capacity under the baseline for the project. Baseline is determined to be 167 afy. What is not used (97 afy) is available to go back to the Carmel River unless other actions by other agencies are taken to transfer (sell) water credits.

Applicant proposes to transfer up to 60 AFY to Cal-Am users through a subsequent permit issued by the Monterey Peninsula Water Management District (MPWMD), and the State Water Resources Control Board would have to approve the necessary appropriate water rights. County's approval is limited to the project, which uses 70 acre feet. Authorizing the transfer of water is not within the authority of the County and is not part of the County's actions on the project.

- b) The fundamental intent of the County General Plan Goal PS-3 and associated policies is that new development must have a long-term sustainable water supply in terms of quantity and quality. The analysis shows that the 130-unit Alternative 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. In regards to quality, the 130-unit Alternative would draw water from the same location that Cal-Am currently draws water to serve its customers. Regardless of the mode of water delivery for the proposed residential use (Cal-Am distribution system or a separate community services district or mutual water company), the water can be treated to all regulatory standards just like the water being drawn at present from Cal-Am wells on the Rancho Canada Golf Course property 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 the FEIR 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*: If the project is served by Cal-Am, it has proven capabilities to deliver water. If a separate water system is proposed, the Project Applicant will be required to obtain all necessary permits for the separate water delivery system and to demonstrate to the County's satisfaction that the water delivery system can deliver water consistently and perpetually to the project. With mitigation, the project's water supply can meet this criteria.
 - *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 either the Project or Alternative. The Applicant is also seeking to obtain an appropriative right from the SWRCB in order to facilitate the proposed water transfer.
 - *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 baseline 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 factor nor a criterion for the proof of a long term sustainable water supply:* Hauling of water is not proposed by either the Project or the Alternative.

- With proposed Mitigation Measure PS-1 to ensure delivery of the project's water supply and constrain it to a maximum of the amounts estimated in this EIR, the Proposed Project or the 130-unit Alternative 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. PS 3.9 requires an applicant for a subdivision proposal such as this project to "provide evidence of a long term sustainable water supply in terms of yield and quality for all lots that are to be created through subdivision." The project is consistent with this policy for all of the same reasons that the project is consistent with PS 3.2.

4. FINDING

ZONING – The Alternative includes a rezoning from the Public/Quasi-Public (P/Q-P) Zoning District to the Medium-Density Residential and Low-Density (Lot 130 only) Residential Zoning Districts, and is also included in the Design Control and Site Plan Review Combining Zoning Districts.

a) The Alternative includes a rezoning from the Public/Quasi-Public (P/Q-P) Zoning District to the Medium-Density Residential and Low-

Density (Low-Density only) Zoning Districts, consistent with the residential use and density proposed by the project. The Alternative site remains in the CVMP Policy CV-1.27 Special Treatment Area, which allows residential use and development at a density of up to 10 units/acre.

- b) 129 of the proposed residential lots, located on the former West Course of the Rancho Canada Golf Club, will be rezoned Medium-Density Residential from P/Q-P upon recordation of a final map creating the lots; Lot 130, approximately 4.6 acres in area, located approximately 0.5 miles east of the former West Course will be rezoned Low-Density Residential from P/Q-P upon recordation of a final map creating this lot.
- c) The Alternative site is in the Design Control (D) and Site Plan Review (S) Combining Districts. Grading and site work included in the Alternative is consistent with the purpose of S District which requires review of development in those areas of the County where development, by reason of its location has the potential to adversely affect or be adversely affected by natural resources or site constraints, without imposing undue restrictions on private property in that the Alternative will not import offsite fill material for grading work, includes environmentally sensitive, naturally-contoured site work and significant habitat restoration. The Alternative does not include any Design Approvals as part of the project since no structures are proposed at this time. All future housing development will be subject to Design Approval.

5. FINDING

In order to develop the Alternative, the Combined Development Permit includes a Vesting Tentative Subdivision Map for the 130 unit Alternative; Use Permits for development in the Carmel River Floodplain, for tree removal, and for grading and infrastructure. With the approval of the Combined Development Permit as well as the General Plan amendment and zoning, the project is consistent with the 2010 General Plan/Carmel Valley Master Plan and zoning for the site.

EVIDENCE

- a) The Alternative includes site work and habitat restoration in the Carmel River Floodplain, on the southern portion of the Alternative project site, which will result in naturally-contoured grading; extensive newly-planted, native, riparian landscaping and flood improvements. No habitable structures or visible above-grade structures are proposed in the floodplain.
- b) A Use Permit allowing the removal of up to 139 native trees, and 435 total trees, is included. The Alternative, as part of proposed and conditioned site restoration will plant 1,286 native trees.
- c) The Alternative site is located on the south side of Carmel Valley 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 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 Alternative site, abutting Highway 1. The Alternative is located on a site at the mouth of the Carmel Valley and is compatible with the nearby residential uses, which include both higher density development to the west and lower density development to the east, as well as the institutional, open space and commercial uses in the vicinity.

- d) The project planner conducted site inspections in May and June 2015, when the West Golf Course was operational, and in September 2016, after the course ceased operation. Through these visits project planner verified that the project conforms to the plans listed above and is suitable for the proposed development and uses.

6. 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: RMA-Planning; Cypress and Carmel Highlands Fire Protection Districts; Parks Department, RMA-Public Works, RMA-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 Geology and Soils; Hydrology; Biological Resources; Aesthetics; Land Use; Hazards and Hazardous Materials; Transportation and Circulation; Air Quality; Noise; Public Services, Utilities and recreation; Cultural Resources; Population and Housing; Greenhouse Gas Emissions and Climate Change
 - c) The project planner conducted site inspections in May and June 2015, when the West Course was operational, and in September 2016, after the course ceased operation. Through these visits project planner 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 RMA - Planning for the proposed development found in Project File PLN040061.

7. FINDING: HEALTH AND SAFETY / NO VIOLATIONS - The establishment, maintenance, or operation of the Alternative project will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County. 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 is provided by the Carmel Area Wastewater District (CAWD) and water is 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 medium density 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 and researched County records to assess if any violation exists on the subject property. Staff reviewed Monterey County RMA - 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 RMA - Planning for the proposed development found in Project File PLN1040061.

8. FINDING: CEQA: CERTIFICATION OF THE FINAL EIR – Pursuant to Section 15090 of the CEQA Guidelines, prior to approving a project the lead agency shall certify that: a) The Final EIR has been completed in compliance with CEQA; b) The Final EIR was presented to the decision-making body of the lead agency and that the decision-making body reviewed and considered the information contained in the Final EIR prior to approving the project; c) The Final EIR reflects the lead agency's independent judgment and analysis.

- EVIDENCE:**
- a) A Draft EIR was prepared for the Rancho Canada Village Project in January 2008 (then called Rancho Canada Specific Plan) and

circulated for public comment from [REDACTED] to [REDACTED]. This January 2008 DEIR was superseded and replaced by the May 2016 Rancho Canada Village Project Recirculated Draft EIR (RDEIR) (SCH#: 2006081150). Comments received on the January 2008 DEIR were addressed as part of the RDEIR.

- b) A Notice of Availability (NOA) was prepared for the RDEIR and established a public review/comment period from June 2 through July 22, 2016. An Amended NOA for the RDEIR extended the public review/comment period on the RDEIR from June 2 through August 8, 2016 and specifically clarified for the public and reviewing agencies that the RDEIR superseded the January 2008 DEIR. The Amended NOA further stated that any comments that had been submitted on the January 2008 DEIR would not be responded to unless newly submitted. Based on requests from the Carmel Valley Association to extend the public comment period on the RDEIR beyond August 8, 2016, the County provided responses to all comments received through August 31, 2016. Thus, the comment period on the RDEIR was from June 2 through August 31, 2016, a period of 91 days.
- c) A draft Final EIR (FEIR) was presented to the Planning Commission on November 9, 2016 for its consideration and recommendation to the Board of Supervisors. The Planning Commission held a special meeting on November 16, 2016, at which time the Commission recommended (4-3, 3 Commissioners absent) that the Board certify the draft Final EIR. The November 9, 2016 draft FEIR was finalized prior to the Board of Supervisors' hearing on the project. The Board of Supervisors was presented with the FEIR on December 1, 2016 and reviewed and considered the information contained in the FEIR prior to approving the Alternative project.
- d) The information contained in and the conclusions reached in the FEIR reflect the County of Monterey's independent judgment and analysis.
- e) No consultation required under Assembly Bill 52 (AB52) was conducted with a Native American Tribe relative to Tribal Cultural Resources because the Notice Of Preparation (NOP) for this project was issued on August 30, 2006 and was available for public review until September 29, 2006. The requirement for tribal consultation pursuant to AB52 is for projects that had a NOP issued on or after July 1, 2015.
- f) All project changes and feasible mitigation measures 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 into 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), the County notified those public agencies that submitted comments on the RDEIR that a FEIR is available for review and provided the proposed responses to the public agencies comments at least 10 days prior to the Board of Supervisors' consideration of the FEIR.
- h) Evidence that has been received and considered includes: the application, technical studies/reports, staff report that reflects the County's independent judgment, and information and testimony presented during public meetings and hearings (as applicable).
- i) Monterey County Resource Management Agency (RMA)-Planning, located at 168 W. Alisal, 2nd Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to certify the Final EIR will be based.

9. FINDING: CEQA (EIR): 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 130-UNIT ALTERNATIVE – The 130-Unit Alternative 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 Board of Supervisors' conditions of project approval. Changes or alterations have been required in, or incorporated into, the 130-Unit Alternative that mitigate or avoid the significant effects on the environment as identified in the Final EIR (FEIR). The impacts identified below are described in detail in the FEIR certified for the Rancho Cañada Village Project, which is hereby incorporated by reference. These mitigation measures are set forth in full in the Conditions of Approval/Implementation Plan/Mitigation Monitoring and Reporting Plan being adopted with this approval (Exhibit 1 of the Resolution).

No findings are required for impacts that are less than significant and require no mitigation.

EVIDENCE: a) The EIR identified potentially significant impacts that require mitigation to Geology and Soils; Hydrology; Biological Resources; Aesthetics; Land Use; Hazards and Hazardous Materials; Air Quality; Noise; Public Services, Utilities, and Recreation; Cultural Resources; and Greenhouse Gas Emissions and Climate Change¹ which could result from components of the project. These impacts will be mitigated to a less than significant level with incorporation of

¹ The numbering of impacts and mitigation measures in these findings reflects the numbering in the Final EIR for the approved project.

mitigation measures from the EIR into the conditions of project approval. The Board of Supervisors considered project approval subject to conditions of approval that incorporate the proposed mitigation measures.

- b) Geology and Soils. The proposed 130-Unit Alternative would potentially be affected by seismically-related ground settlement, landslides, soil erosion and sedimentation, and expansive soils. Potentially significant effects on geology and soils have been mitigated to less than significant levels through building and site design requirements, and provisions to avoid erosion and sediment during construction.

IMPACT GEO-3: Mitigation Measure (MM) GEO-1 from the EIR provides that in order to avoid a significant effect from ground settlement, prior to construction the Project 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.

IMPACT GEO-5: MM GEO-2 would avoid potential effects from landslides by requiring the Project Applicant or successor(s) in interest to conduct additional geotechnical investigation prior to development to determine if there are any direct or indirect landslide risks, including risks from landslides north of Carmel Valley Road on proposed development of Lot 130. If landslide hazards are identified, then the site-specific recommendation of the additional investigation will be incorporated into site plans. The MM requires investigation and design work to be done by a geotechnical engineer, subject to County review.

IMPACT GEO-6: MM GEO-3 requires the Project Applicant or successor(s) in interest, or a qualified consultant acting on their behalf, to prepare and implement an erosion and sediment control plan. The plan will be prepared in accordance with the requirements of the County's erosion and sediment control ordinances and under the review of the County. This measure can be supplemented by MM HYD-2 requiring preparation of a storm water pollution prevention plan (SWPPP) in compliance with National Pollutant Discharge Elimination System (NPDES) general construction permit requirements.

IMPACT GEO-7: MM GEO-4, in conjunction with MM GEO-1, will ensure that the Project applicant or successor(s) in interest will implement the recommended design criteria of the geotechnical report for Lot 130 during site preparation to remove expansive soils. MM GEO-5 further addresses the potential for expansive soils on Lot 130 by requiring the Project Applicant or successor(s) in interest to prepare a geotechnical report for Lot 130 to determine soil expansion potential. Development on this lot will be designed by a

qualified architect and/or engineer according to the recommended design criteria of the geotechnical report. IMPACT GEO-C2: The proposed 130-Unit Alternative's contribution to cumulative effects of accelerated runoff, erosion, and sedimentation are avoided through the implementation of MMs GEO-1 through GEO-5. These measures ensure that the proposed project is designed to minimize these impacts and that construction activities include specific safeguards against these impacts such as compliance with County erosion and sediment control ordinances and implementation of a SWPPP.

- c) Hydrology. The proposed 130-Unit Alternative would potentially increase the potential for erosion or siltation from the site, increase storm water runoff resulting in flooding impacts, degrade surface water quality from construction, and place structures within a 100-year floodplain. These potentially significant effects on hydrology have been mitigated to less than significant levels through best management practices (BMPs), construction requirements, post-construction management requirements, the requirements of an operations and maintenance plan, and provisions to avoid development within the 100-year floodplain.

IMPACTS HYD-1, HYD-2, and HYD-3: MM HYD-1 requires the Applicant or successor(s) in interest to submit to Monterey County RMA 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 in compliance with the County's MS4 Permit. MM HYD-2 requires the Applicant or successor(s) in interest to submit an Operation and Maintenance (O&M) Plan to RMA Environmental Services for review and approval. The plan will identify all structural Stormwater Control Measures requiring O&M practices to function as designed; O&M procedures for each structural Stormwater Control Measure; and short- and long-term maintenance requirements, recommended frequency of maintenance, and estimated maintenance costs. MM HYD-3 requires the Applicant or successor(s) in interest to enter into Maintenance Agreement with Monterey County that will clearly identify the responsible party for ongoing maintenance of structural Stormwater Control Measures. The agreement will contain provisions for an annual report to be prepared by a registered professional engineer for review and approval by the RMA-Environmental Services to ensure that all recommended maintenance has been completed before the start of the rainy season. MM HYD-4 requires the Applicant or successor(s) in interest to implement a spill prevention and control program, subject to County approval, that will minimize the potential for, and effects from, spills of hazardous, toxic, or petroleum substances during construction activities for all contractors.

MM HYD-5 requires in the event of an appreciable spill that adversely affects surface water or groundwater quality, a detailed analysis will be performed by a Registered Environmental Assessor to identify the likely cause of contamination. This measure requires the recommendations for reducing or eliminating the source of mechanisms of contamination to be implemented and groundwater quality returned to baseline conditions. MM GEO-3 requires the Project Applicant or successor(s) in interest, or a qualified consultant acting on their behalf, to prepare and implement an erosion and sediment control plan.

IMPACT HYD-5: MM HYD-6 will require the potential for erosion to the upstream (eastern slope) portion of the excavated basin to be mitigated by slope protection measures that could include rock or turf-reinforced mats. MM HYD-7 avoids encroachment into the 100-year floodplain by Lot 130 uses by prohibiting the placement of structures or fill will be placed within the 100-year floodplain area on the south side of the newly created Lot 130.

IMPACT HYD-C1: The 130-Unit Alternative would contribute to cumulative impacts to hydrology and water quality. Those contributions are reduced to a less than considerable level by the mitigation measures described in Chapter 3.2 *Hydrology* of the Final EIR.

- d) Biological Resources. The 130-Unit Alternative has the potential to adversely affect special-status plant and animal species, their habitat, and waters of the United States. These potentially significant effects on biological resources have been mitigated to less than significant levels through specific measures that will be undertaken prior to, during, and after construction.

IMPACT BIO-3: MM BIO-1 requires the Applicant or successor(s) in interest to retain a qualified botanist to conduct a pre-construction, blooming season survey of the Coast Live Oak woodland habitat on Lot 130 for Jolon clarkia and fragrant fritillary. MM BIO-2 would be applied if the survey identifies Jolon clarkia or fragrant fritillary on the site. The Project Applicant or successor(s) in interest will be required to redesign or modify the Project to avoid direct and indirect impacts on special-status plant species, if feasible.

Additionally, the special-status plant species near the 130-Unit Alternative site will be protected from temporary construction disturbance. If impacts are unavoidable, the Project Applicant or successor(s) in interest will coordinate with the Department of Fish and Wildlife (DFW) and Monterey County to determine a compensation plan to replace the loss of special-status plants. The compensation plan will preserve in perpetuity an offsite area containing the affected special-status plant or plants and will provide for annual success monitoring of the site. MM BIO-3 will require the Applicant or

successor(s) in interest to retain a qualified biologist who will conduct mandatory pre-construction contractor/worker awareness training for construction personnel.

IMPACT BIO-4: MM BIO-3 would also reduce the impact of loss of riparian forest and woodland habitat by educating workers about avoiding marked resource areas during construction. MM BIO-4 will require the Project Applicant or successor(s) in interest to fully implement the required restoration plan, 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 Restoration Plan is not effective. MM BIO-5 requires the Applicant or successor(s) in interest to restore riparian forest/woodland concurrent with impact to compensate for the permanent loss of riparian forest habitat. MM BIO-6 requires the Applicant or successor(s) in interest to retain a qualified botanist who will 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.

IMPACT BIO-5: MM BIO-8 requires the Applicant or successor(s) in interest to avoid the permanent loss of Coast Live Oak woodland habitat associated with the construction of Lot 130 through onsite and/or offsite creation of oak woodland at a compensation ratio greater than 1:1, which will be determined in consultation with the regulatory agencies. The mitigation would be required to obtain all necessary approvals for this compensation prior to construction.

IMPACT BIO-6: MM BIO-9b requires the Applicant or successor(s) in interest to compensate for the loss of pond and wetland habitat through onsite and/or offsite creation of both pond and wetland habitat, consistent with the 2006 Zander Restoration Plan. Conversely, a restoration plan for the 130-Unit Alternative may be developed upon approval of the Alternative to compensate for the loss of wetlands and waters of the United States and state, and the Applicant or successor(s) in interest will obtain all necessary regulatory permits and landowner approvals to implement this measure prior to construction. MMs HYD-1 through HYD-5 will be imposed to minimize spills, erosion, and sedimentation that could be detrimental to pond and wetland habitat. MMs BIO-4 and BIO-5 will also reduce this impact by mandating implementation of a restoration plan and compensating for the loss of riparian habitat.

IMPACT BIO-7: MM BIO-10 will require the Applicant or

successor(s) in interest to replace protected trees at a minimum ratio of 1:1 (the 2006 Zander Restoration Plan calls for 1,286 trees to be planted in the habitat reserve area to offset the removal of 435 trees) in an 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.

IMPACT BIO-8: MM BIO-3 will require the Applicant or successor(s) in interest to retain a qualified biologist who will conduct mandatory pre-construction contractor/worker awareness training for construction personnel, thereby reducing the potential for impacts. MM BIO-5 requires the Applicant or successor(s) in interest to restore riparian forest/woodland concurrent with impact to compensate for the permanent loss of riparian forest habitat. MM BIO-6 requires the Applicant or successor(s) in interest to retain a qualified botanist who will 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. MM BIO-11 will require the Applicant or successor(s) in interest retain qualified biologists to conduct a formal site assessment of the 130-Unit Alternative site for California Red-legged Frog (CRLF) according to FWS' *Revised Guidance on Site Assessments and Field Surveys for the California Red-legged Frog* (August 2005). If CRLF are found, the FWS otherwise determines that the site is CRLF habitat, or it is assumed that CRLF are present, Mitigation Measures BIO-12 through BIO-14 will be implemented. MM BIO-12 will require actions that would minimize mortality of CRLF eggs, larvae, and adults. MM BIO-13 requires a pre-construction survey for CRLF to avoid affecting frogs during construction. MM BIO-14 will require the Applicant or successor(s) in interest or their contractor to retain the services of a qualified FWS-approved biologist to monitor initial ground-disturbing construction activities within CRLF upland habitat. If a CRLF 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, pursuant to an "incidental take" authorization from the FWS. MM BIO-15 will require the Applicant or successor(s) in interest to compensate for the permanent loss of suitable CRLF breeding habitat for by creating or preserving suitable aquatic habitat within a FWS-approved conservation area (and preserving adjacent upland habitat). This measure describes the basis performance standards necessary to the conservation area.

IMPACT BIO-9: MM BIO-16 requires the Applicant or successor(s) in interest to retain a qualified wildlife biologist to conduct a preconstruction survey for southwestern pond turtles

and to relocate any turtle found and to mark a protective area around any nest to avoid impacts to this species.

IMPACT BIO-11: MM BIO-17 requires the Applicant or successor(s) in interest to retain a qualified biologist to conduct two surveys for nesting tricolored blackbirds in the California bulrush wetland during the breeding season and to prescribe DFW-reviewed avoidance measures if birds or nests are found. MM BIO-18 provides that the Applicant or successor(s) in interest will replace lost tricolored blackbird nesting habitat in coordination with DFW if a tricolored blackbird nesting colony is documented per Mitigation Measure BIO-16.

IMPACT BIO-12: MM BIO-19 will require the Applicant or successor(s) in interest to conduct surveys for Monterey dusky-footed woodrat middens and relocate woodrats and middens prior to construction activity in order to avoid an adverse impact on this species.

IMPACT BIO-13: MM BIO-5 requires the Applicant or successor(s) in interest to restore riparian forest/woodland concurrent with impact to compensate for the permanent loss of riparian forest habitat, thereby reducing impacts on tree and shrub nesting migratory birds and raptors. MM BIO-20 provides that during construction of the 130-Unit Alternative, the Applicant or successor(s) in interest or their contractor will ensure that construction contractors remove trees and shrubs only during the non-breeding season for migratory birds. This measure includes performance standards that further detail its aversion requirements.

IMPACT BIO-14: MM BIO-21 will require the Applicant or successor(s) in interest's biologist to conduct a survey for suitable bat roosting habitat and evidence of roosting bats, and to undertake the necessary activities, on consultation with DFW, to avoid disturbing bats.

IMPACT BIO-15: MMs HYD-1 through HYD-6, as summarized above, will be implemented to avoid impacts to the Carmel River from potential erosion and sedimentation. In order to avoid impacts to steelhead in the event that they risk stranding in high river flow events, MM BIO-22 will require the Applicant or successor(s) in interest to apply to the NOAA Fisheries and to the DFW for permission to rescue steelhead if they become trapped in the new site basin. The Applicant or successor(s) in interest will be responsible for arranging the inspection of the basin after any storm event that results in temporary filling from the Carmel River.

IMPACT BIO-16: MMs BIO-3 through BIO-6 and BIO-9b will be implemented, as summarized above, in order to minimize impacts on wildlife movement, movement corridors, and nursery sites.

IMPACT BIO-17: MM BIO-10, as summarized above, will require the Applicant or successor(s) in interest to replace

protected trees. This will conform the 130-Unit Alternative to the County tree preservation policy or ordinance.

IMPACT BIO-18: MM BIO-23 will require the future Homeowner's Association, the Monterey Peninsula Regional Park District or other entity responsible for maintenance of the habitat preserve to install signs along and within the habitat preserve to remind visitors to keep dogs on leashes at all times when on trails in the habitat area and encouraging residents to keep their cats indoors. This will reduce the potential for domestic pets to adversely affect wildlife or be adversely affected by wildlife.

IMPACT BIO-C1: MMs BIO-1 through BIO-23 reduce the 130-Unit Alternative's contribution to the cumulative effect to the extent that the contribution is not considerable.

- e) Aesthetics. The 130-Unit Alternative has the potential to result in a substantial change in visual quality from nearby sites, introducing a new source of light and glare, or making a considerable contribution to light and glare would have a significant effect. However, with mitigation the 130-unit Alternative would have a less than considerable contribution to this impact.

IMPACTS AES-2 and AES-4: MM AES-1 will require the Applicant or successor(s) in interest to undertake specific actions to minimize the 130-Unit Alternative's visual impact from nearby residences and businesses. These include a vegetative buffer to screen the site from its neighbors. This will also act to reduce the potential for the 130-Unit Alternative to create a new source of light and glare.

IMPACT AES-C1: MM AES-1 will keep the contributions of the 130-Unit Alternative to a less than considerable level.

- f) Land Use. The 130-Unit Alternative has the potential to introduce new land uses that could be considered to be incompatible with the surrounding land uses or with the general character of the area.

IMPACT LU-1: The type of development and its density are in keeping with existing residential development in the general area, which includes both higher and lower density development than that proposed by the Alternative. Moreover, the 130-Unit Alternative is consistent with the scale and nature of other adjacent developed parcels, such as the Carmel Middle School and church immediately to the north, and the proposed landscape buffer required under MM AES-1 will soften the edges of the Alternative and mitigate any potential for visual incompatibility.

- g) Hazards and Hazardous Materials. The 130-Unit Alternative could have a significant effect if it resulted in the release of hazardous materials into the environment, disruption of unknown underground utility lines, involved the routine handling of hazardous materials, or

result in hazardous emissions within ¼-mile of a school. With mitigation, the impacts are less than significant.

IMPACT HAZ-1: Under MM HAZ-1, 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. MM HAZ-2 requires the site contractor to immediately contain spills, excavate spill-contaminated soil, and dispose of contaminated soil at an approved facility. MM HAZ-3 will require the Applicant or successor(s) in 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 operation 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. In addition, the County will require the Applicant or successor(s) in interest 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. The County will also require the Applicant or successor(s) in interest 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. MM HAZ-4 requires that prior to start of demolition or construction activities on Lot 130, the contractor will be required to conduct sampling in locations where asbestos-containing materials or lead-based paint are anticipated, to identify whether potential hazards exist and whether special precautions to prevent workers from exposure to lead-based paint or asbestos are necessary during structure demolition. If friable asbestos materials or lead based paints are encountered, these materials will be safely removed and properly disposed of using procedures established by OSHA and the MBUAPCD. MM PSU-2 will require the contractor to coordinate with appropriate utilities to avoid damaging underground lines.

IMPACT HAZ-2: Under MM HAZ-5, the County will require future residents of Rancho Cañada Village to participate in the Monterey Regional Waste Management District's Household Hazardous Waste Collection Program to ensure that household hazardous wastes are disposed of properly.

IMPACT HAZ-3: MMs HAZ-1 through HAZ-5, summarized above, will ensure that hazardous materials, if any, are handled appropriately to avoid their release into the environment. This

will avoid any adverse effect on the nearby Carmel Middle School.

IMPACT HAZ-C1: MMs HAZ-1 through HAZ-5, summarized above, will reduce the project's contribution to cumulative hazards to the public and environment from hazardous wastes and materials to a less than considerable level.

- h) Air Quality. The 130-Unit Alternative could result in a long-term increase in ROG, NO_x, CO, and PM₁₀ emissions from vehicular traffic and area sources.

IMPACT AIR-2: MM AIR-1 (Prohibit Wood-Burning Fireplaces) would reduce operational ROG, CO, and PM₁₀ emissions below threshold levels, as illustrated in Table 3.8-9 of the RDEIR. The impact would thereby be less than significant.

- i) Noise. The 130-unit Alternative could expose future onsite noise-sensitive land uses to excessive noise levels from nearby uses, and expose existing noise-sensitive land uses to construction noise.

IMPACT NOI-1: MM NOI-1 will require the Applicant or successor(s) in interest to retain a qualified acoustical consultant to identify specific outdoor and indoor residential areas near the baseball fields and batting practice area and residential areas on Lot 130 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. The report will be subject to review and approval by the County prior to the issuance of building permits.

IMPACT NOI-3: Under MM NOI-2, the Applicant or successor(s) in interest will be required to implement noise reducing construction practices such that noise from construction is in compliance with the Monterey County Health and Safety Noise Control Ordinance. This will ensure that noise levels will be less than significant.

- j) Public Services, Utilities, and Recreation. The 130-unit Alternative could result in an increased demand for water; increased demand for water infrastructure (some treatment facilities may be necessary as well as pipelines and pumping to transport treated water to the residential area); construction-related service disruptions; and a cumulative increase in demand for public services and utility infrastructure and capacities. The availability of water to serve the approved project from water supplies utilized by the prior West Golf Course is discussed in detail in Chapter 3.10 *Public Services, Utilities, and Recreation* and Appendix H of the Final EIR, which is hereby incorporated by reference. The mitigation measures that are incorporated as conditions of approval mitigate the potential

significant effects.

IMPACT PSU-5: As discussed in Chapter 3.10 *Public Services, Utilities, and Recreation* of the Final EIR, the 130-Unit Alternative would use substantially less water than the West Golf Course's baseline water use. Even with a water transfer of 60 acre/feet per year (AFY) to other Cal-Am users, and a nearly 59.5 AFY instream dedication of water to the Carmel River, the approved project would still have a lower demand than the baseline conditions. MM PSU-1 establishes an enforcement mechanism to ensure that the project will meet the water budgets described in the Final EIR. MM PSU-1 will require the Applicant or successor(s) in interest to obtain a permanent dedication of 60 AFY of the water rights associated with the project site to project uses (precluding any other use or transfer), and to provide the Monterey Peninsula Water Management District (MPWMD) and the County with proof of State Water Resources Control Board approval of the necessary appropriative water rights. In addition, this measure requires the responsible parties to demonstrate to MPWMD and the County that all water efficiency measures are employed and will be employed over the life of the development, and commits MPWMD and the County to monitoring the issuance of building permit and water use permits to ensure that the development will comply with the water budgets. Finally, this measure will mandate that the MPWMD and the County require responsible parties to take actions to reduce water use and increase efficiency should monitoring and reporting indicate that the water budgets are being exceeded. This measure ensures that the approved project will not have a significant effect on water demand.

IMPACT PSU-6: MM PSU-2 will require that prior to construction, the Applicant or successor(s) in interest or their contractor test the proposed water supply for the approved project for California Title 22 constituents for potable water supply and design and fund any necessary treatment and distribution facilities (including any connection to the Cal-Am system). The design for the new facilities will be submitted to Monterey County for review and approval, and no impacts will be allowed on biological resources. By the terms of this measure, the treatment and distribution facilities will be subject to all biological resources mitigation described in the Final EIR.

IMPACT PSU-8: MM PSU-3 requires that prior to construction, the Applicant or successor(s) in interest or their contractor will coordinate with the appropriate utility service providers and related agencies to avoid or reduce service interruptions. This will avoid the potential for a significant effect.

IMPACT PSU-C1: MMs PSU-2 and PSU-3 will reduce the approved project's contributions to cumulative impacts of

infrastructure installation and potential service interruption to a less than considerable level.

- k) Cultural Resources. Ground disturbing activities such as grading, trenching, and excavation could potentially have an adverse effect on unknown archaeological resources. In addition, over time erosion or usage of the project site could expose buried archaeological resources, potentially to adverse effect.

IMPACT CR-2: MM CR-1 requires the Applicant or successor(s) in interest or their contractor to stop work if buried cultural deposits are encountered during construction activities and to implement treatment measures appropriate to the nature of the find as recommended by a qualified archaeologist. MM CR-2 requires that prior to the start of construction activities, the Applicant or successor(s) in interest or their contractor will obtain the services of an archaeological monitor who can identify resources and minimize impacts on buried deposits, if present. If human remains are encountered during construction, MM CR-3 will require that the Applicant or successor(s) in interest or their contractor notify the County Coroner immediately, as required by County Ordinance No. B6-18 and state law. This will ensure that the most likely descendent will be notified if any Native American remains are found, and that the remains will be treated with dignity. If vertebrate fossils are discovered during construction, MM CR-4 will require that work will stop within a 100-foot radius of the find until a qualified professional paleontologist can assess the nature and importance of the find and recommend appropriate treatment. This measure makes the project proponent responsible for undertaking the recommended treatment.

IMPACT CR-3: If archaeological resources are uncovered as a result of long-term use of the project area, MM CR-5 requires that the Applicant or successor(s) in interest 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. This ensures that future discoveries of currently unknown resources will be mitigated.

IMPACT CR-C1: MMs CR-1 through CR-5 will reduce the approved project's contribution to any cumulative impacts on unknown cultural resources to a less than considerable level.

- l) Greenhouse Gas Emissions and Climate Change. The approved project could result in project-related greenhouse gas emissions during construction and operation that could contribute to climate change impacts and be inconsistent with the goals of Assembly Bill 32 of 2006.

IMPACT GHG-1: MM GHG-1 will require the approved project's contractor to include specific BMPs in the project's

construction specifications. To ensure that the BMPs are enforced, the Applicant or successor(s) in interest will be required to provide the County with proof that the BMPs are included in the specifications before the County will issue grading or building permits. Under MM GHG-2 the County will require that the Applicant or successor(s) in interest develop and implement a GHG Reduction Plan, subject to County review and approval, to reduce annual emissions of the approved project to 1,770 MTCO₂e per year. This measure will mitigate emissions to a less-than-significant level through a combination of specific design features (e.g., energy efficient buildings, renewable energy, water conservation, alternative transportation measures), tree replanting, and/or offset purchases sufficient to achieve necessary emission reductions. The County will apply this mitigation in whole or in phases, and the County would not approve the development without having an overall plan in place or a plan for the next phase of development in place. The measure will ensure that the approved project will not exceed the efficiency metric described in Chapter 3.13 *Greenhouse Gas* of the Final EIR.

- 10. 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, as further described in the evidence below. Specific economic, legal, social, technological, and other considerations, including provision of affordable housing opportunities for workers, make infeasible additional mitigation.
- The impacts identified below are described in detail in the Final EIR certified for the Rancho Cañada Village Project, which is hereby incorporated by reference. Mitigation measures have been identified which reduce some of these impacts, but not to a level of insignificance. These mitigation measures are set forth in full in the Conditions of Approval/Implementation Plan/Mitigation Monitoring and Reporting Plan being adopted with this approval (Attachment 1 of Exhibit C).

- EVIDENCE:** a) The EIR identified potentially significant impacts to Land Use and Transportation and Circulation which could result from the 130-unit Alternative. The Land Use impact, discussed below, is significant due to resulting traffic impacts related to longer commutes. Mitigation measures have been identified which reduce some of these impacts, but not to a level of insignificance. These impacts are significant and unavoidable and will not be mitigated to a less than significant level.

- b) Land Use. The RDEIR identified that without adoption of the proposed General Plan Amendment, modifying the affordability requirements of CVMP Policy CV-1.27, the 130-Unit Alternative project, while providing 20% of its housing in the form of affordable housing, would not be consistent with the 50% affordable/workforce housing requirement in 2013 Carmel Valley Master Plan (2013 CVMP) and 2010 General Plan Policy CV-1.27. The inconsistency with the 50% affordable/workforce housing requirement could result in longer employee commutes to Carmel Valley and the Monterey Peninsula and could contribute to traffic congestion along Carmel Valley Road and other roadway segments above the level-of-service standards in the 2013 CVMP. The Applicant has asserted that it is financially infeasible to provide 50% affordable/workforce housing through the 130-Unit Alternative project due to the significant reduction in units from that proposed by the 281 Project. Moreover, the applicant has stated that the adoption of the 190-new residential units cap in Carmel Valley (CVMP Policy CV-1.6) further impacts the ability to comply with affordable housing requirements, particularly since only 160 units remain available under the cap and since affordable units are not exempt from the cap. The applicant has further stated the intent to present evidence to the Board of Supervisors supporting the assertion of financial infeasibility prior to approval of the 130-unit Alternative; any such evidence provided by or on behalf of the applicant is hereby included by reference.

The 130-Unit Alternative will comply with the County's Inclusionary Housing Ordinance by providing 25 Inclusionary units of rental affordable housing at Moderate income levels in the Carmel Valley/Greater Monterey Peninsula Planning Area—an area with a recognized need for affordable housing. 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. The Housing Element notes that as of September 2014 Carmel Valley had the County's second highest median home sale price (\$772,500, Housing Element, Table 19), trailing only Pebble Beach. In terms of rental costs, the Housing Element notes that in 2015 Carmel Valley and the neighboring Del Monte Forest area had the highest rents in the County (Housing Element, p. 29 and Table 20, average 2015 monthly rental cost in Carmel Valley, \$2,581). Based upon the fact that rents in Carmel Valley and the adjacent Greater Monterey Peninsula Planning area are significantly higher than elsewhere in the County, resulting in housing which is not affordable to most County residents, the 130-unit Alternative will provide housing affordable to moderate income households. Additionally, based on the predominant type of housing proposed by the Alternative, that being condominiums, duet units (attached single-family residences) and small-lot single-family residential lots, the Alternative offers housing units that, while not all deed restricted to ensure affordability to particular income groups, will be relatively affordable in comparison to the typical large-lot, large

single-family residences that characterize the area and make up a significant portion of the existing housing stock.

The 130-unit Alternative would also help to 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.” The 130-unit Alternative will assist in providing the jobs/housing balance in that it will provide housing affordable to the young professionals who work on the Monterey Peninsula and are trying to enter the housing market, as well as seniors or other residents looking to downsize from a larger single-family residence and move to a condominium, duet unit or small-lot single-family residence. By design, the Alternative provides housing opportunities targeting Workforce housing (household incomes 120%-180% of the County median) groups and young professionals who might otherwise not get into the Carmel Valley/Monterey Peninsula housing market. Because of the high cost of housing in the Carmel Valley, affordable housing cannot be developed at low densities typical of semi-rural residential development. By clustering development away from the Carmel River and out of the line of site of Carmel Valley Road, the 130-Unit Alternative achieves a compromise between the 2013 CVMP policies of maintaining rural character and providing affordable housing by providing 25 units of inclusionary housing at the moderate income level. The amendment to General Plan/CVMP Policy CV-1.27 approved with this project will conform the Policy with the Affordable Housing Ordinance and better reflect the economic feasibility of providing affordable housing and resolve inconsistency of the project with the Carmel Valley Master Plan policy.

- c) Transportation and Circulation. The County imposes three mitigation measures on the 130-Unit Alternative for the purpose of reducing its traffic impacts. These are MM TR-1 (Contribute Fair Share to fund the CVTIP), MM TR-2 (Contribute Fair-Share Regional Impact Fee) and MM TR-3 (Develop and Implement a Construction Traffic Control Plan). Despite the inclusion of these measures, the 130-Unit Alternative would still result in significant, unavoidable impacts on transportation and circulation in the following subject areas:

- The 130-Unit Alternative would have a potentially significant impact at the unsignalized Laureles Grade and Carmel Valley Road intersection. MM TR-1 would help complete interchange improvements at the Laureles Grade/Carmel Valley Road intersection. With completion of proposed interchange improvements in the future, this impact will be reduced to a less-than-significant level. However, since this improvement relies on other sources of funds than just the Proposed Project, it may take considerable time to obtain full funding for its implementation and in the interim the impact at this location would be significant and unavoidable. Traffic generated by the 130-Unit Alternative is not responsible for the full impact that necessitates

the interchange improvements. Based on the regulatory takings principles of “essential nexus” and “rough proportionality” set out in *Nollan v. California Coastal Commission* 483 U.S. 825 (1987) and *Dolan v. City of Tigard* 512 U.S. 687 (1994), respectively, the approved project cannot be required to pay for the full cost of the necessary improvements. The improvements will be installed once sufficient funds have been collected from contributing traffic generators. Therefore, mitigation of the interim impact is legally infeasible.

- The 130-Unit Alternative would add peak hour traffic to existing deficient segments of SR 1. RTP Project CT008, SR-1 Carmel Operational Improvement Project would improve the segment between Rio Road and Carmel Valley Road, but does not include any proposed widening of SR 1 north of Carmel Valley Road or south of Ribera Road. There is no other state, regional or local planning or financial support for widening this roadway along the other deficient segments. Based on the regulatory takings principles of “essential nexus” and “rough proportionality” set out in *Nollan v. California Coastal Commission* 483 U.S. 825 (1987) and *Dolan v. City of Tigard* 512 U.S. 687 (1994), respectively, the approved project alone cannot be required to pay for the cost of the necessary improvements to the other segments of SR1. No further mitigation is legally available.

- Construction traffic, in the context of failing operations under existing conditions at certain locations (such as along SR 1 and at the Laureles/SR 68 intersection), would result in a significant impact. MM TRA-3 would reduce construction period impacts, but would not avoid all contributions to locations with existing failing traffic operations and the impact would be significant and unavoidable. Mitigation of this impact would require permanent road improvements at the failing intersections. The impact of temporary construction traffic does not provide an essential nexus for permanent improvements and further mitigation is not legally available under *Nollan v. California Coastal Commission* 483 U.S. 825 (1987).

- In addition to the above, the approved project would contribute to cumulative impacts related to LOS decreases at the unsignalized Carmel Rancho Blvd/Rio Road intersection; the signalized SR 1/Carpenter Street, SR 1/Ocean Avenue, Carmel Valley Road/Rancho San Carlos, and Carmel Valley Road/Carmel Rancho Blvd. intersections; peak hour LOS decreases for various segments of SR 1 and of Carmel Valley Road; and exceedance of average daily traffic thresholds on segments of Carmel Valley Road. These LOS decreases and exceedances of thresholds result from the combined contributions of past, present, and reasonably probable future projects. Addressing LOS impacts for SR1 and Carmel Valley Road would require widening, which has been rejected by the community in the past, and is not currently proposed by the County or Caltrans accordingly. Under the *Nollan v. California Coastal Commission* 483 U.S. 825

(1987) and *Dolan v. City of Tigard* 512 U.S. 687 (1994) decisions, the approved project cannot be required to contribute more than its fair share of the mitigation necessary to avoid these cumulative impacts. MM TR-1 and MM TR-2 represent that fair share to planned improvements. No additional mitigation is, therefore, legally available.

11. FINDING: ALTERNATIVES TO THE PROPOSED PROJECT - The EIR evaluated a reasonable range of potentially feasible alternatives to the proposed project in compliance with CEQA Guidelines section 15126.6. The EIR considered the alternatives described below and as more fully described in the RDEIR. The 130 unit Alternative which the Board is approving is the environmentally superior alternative identified by the EIR. Specific economic, legal, social, technological, or other considerations make infeasible the other project alternatives identified in the EIR for the reasons described below.

- EVIDENCE:**
- a) In addition to the 130-unit Alternative, which has been selected as the approved project, six additional alternatives to the original Project were considered in the RDEIR. They are: 1) No Project Alternative; 2) East Golf Course Alternative; 3) Medium- Density Alternative (186 units); 4) Low-Density Alternative (40 units); 5) Rio Road Extension Emergency Access-Only Alternative; and 6) Stemple Property Avoidance Alternative. The East Golf Course Alternative was analyzed in the Draft EIR. However, since preparation of the Draft EIR, the East Golf Course has been acquired by the Trust for Public Land for permanent park and open space purposes and is therefore unavailable for development. Accordingly, that alternative is legally and practically infeasible, and the Final EIR no longer includes this among the alternatives analyzed. As a result, the East Golf Course Alternative is not discussed further in these findings.
 - b) Originally Proposed Project (281 units). The originally Proposed Project includes 281 residential units, 151 units more than the approved 130-Unit Alternative and would therefore comparatively worsen, not avoid, many of the approved project's resource impacts, such as traffic. This alternative would not be consistent with the 2013 CVMP quota of 190 units, of which only 160 remain (24 of the 190 units are reserved for the Delfino property and 6 units have been accounted for in previous approvals), so this alternative would require an increase to the CVMP Policy CV-1.6 residential unit cap. The 190-unit cap was instituted as a result of settlement of litigation and retaining the cap avoids unnecessary controversy over the maximum level of residential development that is allowable within the CVMP area and avoids potential renewal of litigation under the settlement agreement. From a policy standpoint, the Proposed Project is not acceptable because it does not comply with the CVMP unit cap. A further reason for rejection is that it would not substantially reduce any of the key impacts of the approved project; specifically, it would not reduce traffic impacts. While the originally Proposed Project

would comply with CVMP Policy CV-1.27 regarding the 50% affordable/workforce housing requirement (unlike the 130-unit Alternative), given that the traffic impacts with the originally Proposed Project would be worse than the 130-unit Alternative, and that traffic has been a long-standing concern within the CVMP, the originally Proposed Project is also rejected specifically because of its significant unavoidable traffic impacts.

- c) No-Project Alternative. The No Project Alternative would result in just that, no project; the site would remain the former West Golf Course (the East Golf Course ceased operation earlier this year) of the Rancho Canada Golf Club and no development, residential or otherwise, would occur. This alternative would not meet any of the project objectives and is therefore rejected for social reasons.
- d) Medium-Density (186 units) Alternative. The Medium-Density Alternative includes 186 residential units, 56 more than the approved 130-Unit Alternative and would therefore comparatively worsen, not avoid, many of the approved project's resource impacts, such as traffic. This alternative would not be consistent with the 2013 CVMP quota of 190 units, of which only 160 remain (24 of the 190 units are reserved for the Delfino property and 6 units have been accounted for in previous approvals), so this alternative would require an increase to the CVMP Policy CV-1.6 residential unit cap. The 190-unit cap was instituted as part of a settlement agreement and retaining it avoids unnecessary controversy over the maximum level of residential development that is allowable within the CVMP area. From a policy standpoint, the Medium- Density Alternative is not acceptable because it does not comply with the CVMP unit cap. A further reason for rejection is that it would not substantially reduce any of the impacts of the approved project.
- e) Low-Density Alternative. The Low-Density Alternative includes 40 new lots/residences and assumes the same amount of open space (approximately 40 acres) proposed by the approved project would be retained. This alternative would include 7 affordable units, substantially fewer new housing opportunities than the approved 130-unit Alternative. 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, including Carmel Valley. In particular, based on September 2014 data, Carmel Valley had the second highest median home sale price in the County, after Pebble Beach. With regard to rental housing, in 2015, Carmel Valley Village (the Alternative project site is located west of Carmel Village, but faces equal housing affordability constraints) along with the neighboring Del Monte Forest had the County's highest rental housing costs. The 7 or 8 affordable units proposed with the Low-Density Alternative would be, as a matter of policy, a lost opportunity to obtain a greater number of affordable units while staying within the CVMP Policy CV-1.27 unit

cap. The alternative is, therefore, rejected on the ground that it does little to address housing affordability in Carmel Valley and the Greater Monterey Peninsula Area.

- f) Rio Road Extension Emergency Access-Only and Stemple Property Avoidance Alternatives. The Rio Road Extension Emergency Access-Only and Stemple Property Avoidance Alternatives considered minor changes to the Project related to limiting vehicular access (Rio Road) and the exclusion of a small, oddly-shaped property (Stemple) on the approved project's northern boundary. Neither of these alternatives would result in any significant differences from the approved 130-Unit Alternative, which incorporates the defining elements of both these alternatives into its design (i.e., Rio Road would be used only for pedestrian, bicycle and emergency vehicle access and the Stemple Property is not included). These alternatives are rejected because they are not substantively different than the approved project.

12 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 Board of Supervisors has weighed the economic, legal, social, technological, and other benefits, including region-wide and statewide environmental benefits, of the approved 130-Unit Alternative against its unavoidable significant environmental impacts in approving the Alternative. Each benefit set forth below constitutes an overriding consideration warranting its approval, independent of other benefits, despite each and every unavoidable impact.

- EVIDENCE:**
- a) The approved 130-Unit Alternative will result in development that will provide benefits described herein to the surrounding community and the County as a whole. Any one of the facts listed below would be sufficient, in balancing the public good in approving this project against the unavoidable significant impacts identified, 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 Alternative provides housing in an area of limited new home construction and provides a range of housing types, such as small lot single-family, duet units (attached single-family residences) and condominium units that are not typical of the Carmel Valley area and are relatively more affordable in comparison to the typical large-lot (one acre or more) single-family residences and ranch homes that characterize Carmel Valley. 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 2015–2023 County of Monterey Housing Element Update, adopted by the Board of Supervisors on January 26, 2016 and certified by HCD on May 10, 2016, identifies a shortage of

affordable housing in the unincorporated areas of the County. In particular, Carmel Valley had the second highest median home sale price (\$772,500), trailing only Pebble Beach, in September 2014. In 2015, with regard to rentals, Carmel Valley Village (the Alternative project site is located west of Carmel Village but faces equal housing affordability issues) and the neighboring Del Monte Forest area had the County's highest rental housing costs. The project will provide 25 inclusionary units of rental affordable housing at moderate income levels in the Carmel Valley/Greater Monterey Peninsula Planning Area—an area with a recognized need for housing within the moderate income range. Based upon the fact that the rents in the Greater Monterey Peninsula Planning area are higher, often significantly higher, than elsewhere in the County, resulting in housing which is not affordable to the majority of County residents, this project will provide housing affordable to moderate income households. 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, as the project will provide housing affordable to the young professionals who work on the Monterey Peninsula and are trying to enter the housing market, as well as seniors or other residents looking to downsize from a larger single-family residence and move to a condominium, duet unit or small-lot single-family residence. The 130-Unit Alternative provides housing opportunities for targeted workforce housing groups and young professionals who may not otherwise be able to access the Carmel Valley/Monterey Peninsula housing market.

- ii. The Alternative will permanently preserve approximately 40 acres of open space within the 81.7-acre project site. The open space would consist of naturally-landscaped areas and ponds/drainage basins adjacent to the Carmel River. Without approval of the project, the imminent closure of the golf course would leave this area's future use uncertain. The Alternative includes a condition of approval requiring the Applicant or successor(s) in interest to place the majority of the area in permanent conservation easement or to actively protect and manage the area as habitat.
- iii. The Alternative will install new trails open to the general public and strengthen connections to existing open space areas, including Palo Corona Park. Given the recent acquisition of the East Course by the Trust for Public Lands for park and open space uses, the open space included in the Alternative can serve as key connection between existing open space areas, such Palo Corona Park and the Trust for Public Lands site.
- iv. The Alternative will create economic benefits to the County and the local economy through the creation of temporary construction

jobs and the creation of new property tax revenue through higher property valuation. The latter is of particular importance due to Proposition 13's limitation on increasing the assessed valuation of existing property. 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 greater familiarity with current codes that will better prepare and serve them on future work.

- v. The Alternative would reduce baseline consumptive water use on average by 23 percent which will be a benefit to the Carmel River and its biological resources. In addition, separate from any CEQA requirement, the Applicant proposes to make a separate dedication of water to the Carmel River for instream purposes that would provide downstream benefits to habitat.
- vi. The Alternative includes flood control and drainage improvements unrelated to CEQA impacts. The first element 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, lessening storm water-related flood impacts in the area. The second element is the installation of a large culvert (10' x 12') along the site's western edge that would address localized drainage. The third element is the completion of the so-called tieback levee, which will help to control riverine flooding in the CSA 50 area. These improvements, although not required to mitigate environmental impacts of the 130-unit Alternative, would help to better manage both riverine and storm water-related flooding for properties at the mouth of the Valley.

13. FINDING: **MITIGATION MONITORING PROGRAM** - Per Public Resources Code section 21081.6 and the County-adopted Condition of Approval and Mitigation Monitoring and Reporting Program (MMRP), 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 in order to mitigate or avoid significant effects on the environment.

EVIDENCE: a) The mitigation measures identified in the FEIR will be incorporated as conditions of approval and are attached and incorporated into this resolution approving 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.

14. FINDING: RECIRCULATION NOT REQUIRED – No new significant information has been added to the FEIR since circulation of the RDEIR that would require recirculation. 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 alternative or mitigation measure, considerably different from others previously analyzed, that clearly would lessen the significant environmental impacts of the project, but that the project’s proponents decline to adopt; or
- 4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

No such significant new information has been added.

- EVIDENCE:**
- a) Per Section 15088.5(b) of the CEQA Guidelines, recirculation of the draft EIR is not required where the new information merely clarifies, amplifies or makes minor modifications to an adequate EIR. The information provided since the draft EIR meets those criteria.
 - b) All the text revisions to the draft EIR and revisions to mitigation measures since the DEIR provide clarification and additional detail. The changes do not result in a new significant impact or substantial increase in the severity of an environmental impact and therefore recirculation is not required.

15. 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 DEIR. 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 to the Monterey County Clerk/Recorder for processing said fee and posting the Notice of Determination (NOD).

- b) The application, plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN 040061.

16. 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 Alternative includes the removal of up to 435 trees (139 being native trees, including Cottonwood, Sycamore, 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 (2006) and incorporated into the Environmental Impact Report prepared for the project. The 130-unit Alternative is subject to Mitigation Measures BIO-4, BIO-5 and BIO-6.
 - c) The project site consists of approximately 81.7 acres of land used as a golf course for over 40 years. The southern portion of the property, adjacent to the Carmel River, includes more mature trees and natural terrain, but is still part of the West Course of the Rancho Canada Golf Club. As proposed, the development would result in the removal of approximately 435 trees, 139 of these being native trees. As described in the EIR as part of the proposed habitat restoration, the 2006 Restoration Plan includes the replanting of 1,286 riparian woodland trees, including box elder, red alder, dogwood, Western sycamore, black cottonwood, Arroyo willow and elderberry. This replanting results in a significant increase of total trees (nearly a three-to one ratio) within the habitat area of the site and features native species suited to the riparian environment.
 - d)
 - e)

- 17. 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 the findings can be made.

- EVIDENCE:**
- a) The Alternative includes a General Plan text Amendment to Policy CV-1.27 modifying the percentage of affordable/workforce housing required from 50% to 20% affordable ensuring consistency with the General Plan. The Alternative is consistent with other pertinent General Plan policies, as discussed in detail in Finding 2 (General Plan). The Alternative is not included in any specific plan. A Specific Plan drafted as part of the initial application was abandoned as it is not needed with the Special Treatment Area (STA) policy (Policy CV-1.27) included with the 2010 General Plan.
 - b) The design and improvements included in the Alternative are consistent with the General Plan, which allows for residential land use at the site and the design provides improvements relative to flood control and drainage that provide benefits to surrounding properties.
 - c) The site is physically suitable for the type of development at the density proposed in that residential development. Policy CV-1.27 (STA) allows up to a maximum of 10 units/acre for up to 40 acres. The Alternative proposes a residential density of 4.56 units/acre for a 40-acre portion of the site being developed for residential use. The remainder of the property would be while retained and enhanced as open space.
 - d) The Alternative will not cause substantial environmental damage or result in damage to fish and wildlife and their habitats but, conversely, will provide environmental and habitat benefits through the restoration of habitat areas on the southern portion of the site, adjacent to the Carmel River. The residential and open space uses proposed are compatible with surrounding residential, open space and institutional (i.e., school, church) uses and the Alternative not result in any serious

public health problems.

- e) The Alternative does not conflict with easements or access acquired for the public; conversely, the Alternative will enhance public access through an expanded trail system open to the general public and will grant an easement to improve offsite drainage, benefiting neighboring properties in the vicinity. Additionally, the Alternative includes a new pedestrian and bicycle access to the west which also allows for emergency vehicle access.

18. FINDING: **INCLUSIONARY HOUSING:** The Alternative complies with the Inclusionary Housing Ordinance requirement to provide a minimum of 20% onsite affordable housing units. (MCC, Chapter 18.40) Unusual circumstances exist making it appropriate to modify the requirements of the Inclusionary Ordinance so that 20% Moderate-income housing, as proposed by the Alternative, is allowed in-lieu of the 8% Moderate-income, 6% Low-income and 6% Very Low-income.

- EVIDENCE**
- a) The Alternative project proposes to construct 25 rental units affordable to moderate-income households only (no on-site units for low or very low income levels are proposed). The Alternative project proposes to construct 25 rental units affordable to moderate-income households only (no on-site units for low or very low income levels are proposed). The applicant has stated that due to the significant reduction in units proposed between the Project and the Alternative it is not financially feasible to comply with the Inclusionary Ordinance's requirements, particularly related to providing low and very low-income units.
 - b) Section 18.40.050.B.2 of Monterey County Code allows the Board of Supervisors to modify the requirements of the Inclusionary Housing ordinance upon a finding that "as a result of unusual or unforeseen circumstances, it would not be appropriate to apply, or would be appropriate to modify, the requirements" of Chapter 18.40.

19. FINDING: **PROCEDURAL BACKGROUND:** The application has been processed in accordance with state law and County regulation, and the applicant and all interested persons have been afforded due process.

- EVIDENCE**
- a) The project was referred to the Carmel Valley Land Use Advisory Committee (LUAC) for review on May 2004 to consider the original 281-unit Project. On September 21, 2015 and February 1, 2016 the 130-unit Alternative 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 1 meeting (continued from September 15, 2015), the LUAC voted to not provide a recommendation to the Planning Commission and Board of Supervisors regarding the RCV Project or Alternative based on the RDEIR not being completed and available for their review. Similarly, when the 281-unit Project was presented to the LUAC in May 2004, the LUAC voted to not make a recommendation due to the unavailability of the DEIR.
 - b) The Project and Alternative were presented to the Housing Advisory Committee (HAC) at its March 9, 2016 meeting. Both the applicant and County staff attended the HAC meeting, presented information and responded to questions from HAC members. The HAC's discussion focused on the proportion of affordable units that should be required of the 130-unit Alternative, but ultimately, after three separate motions, the HAC did not provide a recommendation due a lack of majority on the motions. The HAC confirmed its action at an April 2016 meeting.
 - c) The Monterey County Planning Commission held a noticed workshop on the RCV Project and Alternative on September 14, 2016. Staff presented the project and DEIR. Comments received on the DEIR were summarized for the Commission.
 - d) On November 16, 2016, the Monterey County Planning Commission held a duly noticed public hearing to consider making a recommendation to the Board of Supervisors on certification of the Final EIR, adoption of the General Plan amendment and rezoning, and approval of the project. The Planning Commission voted 4 to 3 to recommend the Board of Supervisors certify the FEIR, approve the General Plan amendment and rezoning, and approve the 130 unit Alternative. Pursuant to Government Code section 65354, an affirmative vote of the majority of the total membership of the Planning Commission is required to recommend approval of a General Plan Amendment. A motion recommending Board approval of the project as listed above received a 4-3 vote from the Planning Commissioners present, which does not constitute a majority of the total Commission membership. Therefore, a separate vote was taken on the General Plan amendment and a separate resolution was prepared indicating that the motion to recommend approval of the General Plan amendment failed. (Planning Commission Resolution Nos. 16-028 & 16-029.

- e) On December 13, 2016, the Board of Supervisors held a duly noticed public hearing to consider certification of the Final EIR, adoption of the General Plan amendment and rezoning, and approval of the RCV Project or the 130 unit Alternative.

DECISION

NOW, THEREFORE, based on the above findings and evidence and the administrative record as a whole, the Board of Supervisors of the County of Monterey does hereby:

1. Certify that the foregoing recitals are true and correct;
2. Certify that: the Rancho Canada Village Final Environmental Impact Report (FEIR) (SCH#: 20006081150) has been completed in compliance with CEQA; the FEIR was presented to the Board of Supervisors and the Board of Supervisors reviewed and considered the FEIR prior to approving the project; and the FEIR reflects the County's independent judgment and analysis;
3. Adopt the above CEQA findings for approval of the project and adopt the findings and the Statement of Overriding Considerations set forth above;
4. Amend the text of General Plan Policy CV-1.27 as follows (changes shown in strikethrough/italics):

Special Treatment Area: Rancho Canada Village – Up to 40 acres within properties located generally between Val Verde Drive and the Rancho Canada 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/~~work~~~~force~~ 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). (APN: 015-162-017-000, 015-162-025-000, 015-162-026-000, 015-162-039-000 and 015-162-040-000, 015-162-033-000, 015-162-035-000, 015-162-036-000, 015-162-037-000, 015-162-038-000, 015-021- 005-000)

5. Approve the Combined Development Permit for the Rancho Canada Village Subdivision Project 130-unit Alternative, consisting of a:
 - a. A Vesting Tentative Subdivision Map for the 130-unit Alternative, subdividing 81.7 acres into 130 residential lots, common areas and roadways and a 39.4-acre open space lot in general conformance with the attached Vesting Tentative Map (Attachment 2);and
 - b. Associated Use Permits, as follows 1) a Use Permit for development in the Carmel River Floodplain; 2) Use Permit to allow the removal of up to 139 native trees; and Use Permit for development within the site plan review zoning district to include grading and infrastructure installation, installation of a below-grade drainage pipe and culvert to improve area-wide flood control and drainage, subject to 112 conditions, all being attached hereto as Attachment t 1 and incorporated herein by reference; and
6. Adopt the Mitigation Monitoring and Reporting Plan attached hereto as Exhibit 1 and incorporated herein by reference.

PASSED AND ADOPTED this 13th day of December, 2016, upon motion of Supervisor _____, seconded by Supervisor _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book____for the meeting on_____.

Dated: Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By _____
, Clerk of the Board

COPY OF THIS DECISION MAILED TO APPLICANT ON _____.

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

NOTES

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

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

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

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

MONTEREY COUNTY RESOURCE MANAGEMENT AGENCY

Carl P. Holm, AICP, Director



Building Services / Environmental Services / Planning Services / Public Works & Facilities
168 W. Alisal Street, 2nd Floor (831)755-4800
Salinas, California 93901 www.co.monterey.ca.us/rma

MEMORANDUM

Date: December 9, 2016

To: Monterey County Board of Supervisors

From: Jacqueline R. Onciano, Interim Chief of Planning

Subject: Agenda Item No. 19 – REF040061 – Rancho Canada Ventures, LLC (Rancho Canada Village Subdivision); Revised Exhibit B- Draft Resolution with Attachment B1 – Conditions of Approval/and Mitigation Monitoring and Reporting Plan

Attached is a Revised Exhibit B – Draft Resolution (both redline and clean version) with a revised Attachment B1 – Conditions of Approval/and Mitigation Monitoring and Reporting Plan. The redline resolution reflects clerical corrections that include minor typos, the removal of duplicative findings and appropriate location of supportive evidence. Additionally, the compliance of the conditions have been revised to reflect the appropriate phase of the project.

**ATTACHMENT B DRAFT - Redline Version
RESOLUTION**

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

In the matter of the application of:

RANCHO CANADA VILLAGE (PLN040061)

RESOLUTION NO. 16 - ____

Resolution by the Monterey County Board of Supervisors:

- 1) Certifying the Rancho Canada Village Environmental Impact Report;
- 2) Adopting CEQA Findings and a Statement of Overriding Considerations;
- 3) Amending Policy CV-1.27 of the 2010 General Plan/Carmel Valley Master Plan reducing the percentage of affordable/workforce housing required from 50% to 20% affordable;
- 4) Approving a Combined Development Permit consisting of Vesting Tentative Subdivision Map for the 130 unit Alternative; Use Permits for development in the Carmel River Floodplain, for tree removal, and for grading and infrastructure installation; and
- 5) Adopting a Mitigation Monitoring and Reporting Plan.

[4860 Carmel Valley Road, 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; 015-162-025-000, 015-162-026-000, 015-162-033-000, 015-162-039-000, 015-162-040-000, 015-162-041-000, 015-162-042-000, 015-162-043-000, 015-162-045-000, 015-162-046-000 and 015-162-047-000.]

The Rancho Canada Village application (PLN040061) came on for public hearing before the Monterey County Board of Supervisors on December 13, 2016. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Board of Supervisors finds and decides as follows:

FINDINGS

- 1. FINDING: CONSISTENCY** – The project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.

EVIDENCE: a) Project Description. The proposed project, referred to as the 130-unit Alternative (Alternative) in the FEIR, is a 130-unit residential subdivision consisting of 118 single-family residential parcels and 12 condominium lots/units (hereafter referred to as “project” or “Alternative”). The revised Vesting Tentative Map divides ~~approximately~~ 81.7 acres into 118 single-family residential parcels; one condominium parcel with 12 condominium lots/units; and seven (7) parcels for roadway, open space and common area purposes serving the residential subdivision. The project includes a General Plan amendment to amend Carmel Valley Master Plan Policy CV-1.27 and rezoning, as described further below. The 130-unit Alternative occupies an approximately 82-acre area of the former West Course of the Rancho Canada Golf Club and also includes a 4.6-acre parcel (Lot 130), approximately one-half mile northeast of the main project area, which is presently developed with maintenance facilities and a residence; the Alternative would allow for the future redevelopment of one residence on Lot 130. Residential lots and roadways make up approximately 28 acres of the site; approximately 53 acres of the site are open space, conservation and common areas.

~~The Alternative includes~~ A applicant’s proposal to transfer 60 acre-feet/year (AFY) of water to California-American Water (Cal-Am) and to dedicate an additional 50 AFY of water for in-stream purposes to the Carmel River. Water transfer and dedication has been evaluated as part of the project EIR, but require actions by agencies other than Monterey County. Additionally, the western portion of the 130-unit Alternative site Proposed site improvements includes a below-grade storm drainage pipe along the western project boundary to accommodate off-site drainage and a culvert to address area-wide riparian flooding.

The entire Alternative site (including Lot 130 of the Alternative) 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 use as a public golf course. Approval of the Alternative requires a General Plan Amendment ~~(amending CVMP Policy CV-1.27 due to the proportion of affordable units~~ proposed/included) and Rezoning to the Medium-Density Residential (MDR) Zoning District, is proposed, but not required, to be consistent with the proposed density of the Alternative. In order to fully develop the Alternative, in addition to a Vesting Tentative Map for a Standard Subdivision the Combined Development Permit includes use permits for development in the Carmel River Floodplain, tree removal (up to 139 native trees would be removed), and grading (no imported fill material is proposed) and infrastructure installation and site improvements will also be required.

- b) The Alternative 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, 4860 Carmel Valley Road, Carmel Valley. Lot 130 of the Alternative is located on the south side of Carmel Valley Road, approximately 1 mile east of State Highway 1. The 130-unit Alternative consists of or includes portions of Assessor Parcel Numbers (APNs): 015-162-009-000, 015-162-017; 015-162-025-000, 015-162-026-000, 015-162-033-000, 015-162-039-000, 015-162-040-000, 015-162-041-000, 015-162-042-000, 015-162-043-000, 015-162-045-000, 015-162-046-000 and 015-162-047-000. The site is within the Carmel Valley Master Plan area.

The applicant is Rancho Canada Ventures, LLC. The applicant's predecessor in interest submitted the original project application to the County in April 2004, and the application was deemed complete on August 10, 2005. The application included a specific plan and a 281-unit residential subdivision (hereafter the "RCV Project") and open space/recreational improvement. [The project is substantially the same, but a specific plan is no longer required with the Special Treatment Area overlay.](#) The EIR analyzed the [281-unit RCV Project](#) and the [130-unit Alternative](#) which is the subject of this resolution.

- c) During the course of review of this application, the Alternative has been reviewed for consistency with the text, policies, and regulations in the:
- 2010 Monterey County General Plan;
 - [2010 Greater Monterey Peninsula Area Plan](#);
 - [2010 Carmel Valley Master Plan \(CVMP\)](#);
 - [Health and Safety Ordinances \(Title 10\)](#)
 - [Public Service Ordinances \(Title 15\)](#)
 - [Environmental Ordinances \(Title 16\)](#);
 - [Building and Construction Ordinances \(Title 18\)](#);
 - Monterey County Zoning Ordinance (Title 21); ~~and~~
 - Subdivision Ordinance (Title 19).

2. FINDING:

GENERAL PLAN CONFORMANCE: The Project is subject to the 2010 General Plan and includes a General Plan Amendment to General Plan/CVMP Policy CV-1.27 to ensure conformance with the General Plan.

EVIDENCE:

- a) [General Plan/CVMP Policy CV-1.27](#) - 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 (c).) The 130 unit Alternative project would need an amendment to the land use designation of the 1982

General Plan if the project were subject to the 1982 General Plan. Instead, as is allowable under the Map Act, the applicant has elected to come under the 2010 General Plan/CVMP Policy CV-1.27 (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, the County is applying the 2010 General Plan to this project.

The entire Alternative site, including Lot 130, is designated Public/Quasi-Public (P/Q-P) by the General Plan//CVMP, with a Special Treatment Area (CVMP Policy CV-1.27) designation allowing for residential development subject to certain provisions, despite the P/Q-P designation. Due to the existing Special Treatment Area, which allows residential development, the Alternative is not inconsistent with the General Plan in terms of land use. The General Plan/CVMP Amendment included in the Alternative is to modify the text of the Special Treatment Area solely to address the issue of the required minimum percentage of affordable/workforce housing, reducing the requirement from 50% affordable/workforce to 20% affordable. Therefore, through adoption of the General Plan/CVMP Amendment, the Alternative is consistent with the General Plan.

~~Instead, as is allowable under the Map Act, the applicant has elected to come under the 2010 General Plan/CVMP Policy CV-1.27 (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, the County is applying the 2010 General Plan to this project.~~ With the amendment, the Alternative is consistent with the 2010 General Plan/CVMP. The proposed General Plan amendment is as follows (changes shown in strikethrough/italics):

Special Treatment Area: Rancho Canada Village – Up to 40 acres within properties located generally between Val Verde Drive and the Rancho Canada 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). (APN: 015-162-017-000, 015-162-025-000, 015-162-026-000, 015-162-039-000 and 015-162-040-000, 015-162-033-000, 015-162-035-000, 015-162-036-000, 015-162-037-000, 015-162-038-000, 015-021-005-000).

A rezoning of the site from Public/Quasi-Public (P/Q-P) to Medium-Density Residential (MDR) and Low-Density Residential (LDR) (Lot

130), to conform to the General Plan Special Treatment Area, is also proposed. The Board is considering an ordinance to rezone the property concurrently with adoption of this resolution. The ordinance updates the zoning of the property to be consistent with the density allowed by CV-1.27 and the proposed residential land use and density of the sites being rezoned. The rezoning also assures that application of MDR and LDR development standards are applied respectively to specific lots to be created if and when the Rancho Canada Village subdivision final map is recorded.

The Alternative site is located on the south side of Carmel Valley Road, approximately 0.6 miles east of State Highway 1 on the western portion of the former West Course of the Rancho Canada Golf Club; one additional, noncontiguous, 4.6-acre parcel (Lot 130) included in the Alternative is located approximately 0.5 miles east of the former West Course site. The total area of the Alternative site is approximately 81.7 acres, 39.4 acres of which, adjacent to the Carmel River, is designated as permanent open space and conservation uses, leaving 42.3 acres for residential use and common areas serving the residential lots. Based on an area of 42.3 acres the residential density of the Alternative is 3.07 units/acre. Of the approximately 42.3 acres, 28.5 of which are devoted to residential use, for a density of 4.56 units/acre. Whether density is considered at either 3.07 units/acre or 4.56, the Alternative is consistent with the Medium-Density Residential (MDR) General Plan and Zoning District density ranges of 1-5 units/acre. A zoning change re-designating the site from the existing P/Q-P to MDR and LDR (only Lot 130) is included in the Alternative project. Like other Carmel Valley properties, the Alternative site, including Lot 130, is presently in the Site Plan Review (S) and Design Control (D) overlay Zoning Districts. The rezoning of the western portion of the Alternative site to from P/Q-P to MDR will not alter the S and D overlay designations, the site will remain in both the S and D districts and subject to the districts' requirements.

- b) General Plan/CVMP Policy CV-1.6 - On October 26, 2010, the Board of Supervisors adopted the 2010 Monterey County General Plan, including an updated CVMP. Following a lengthy process that included consideration of a Community Area or Rural Center designation at the mouth of the Carmel Valley, the 2010 GP established a residential subdivision building cap (CVMP Policy CV-1.6) of 266 new residential lots or units in Carmel Valley. In recognition of the proposed RCV Project, the 2010 General Plan also established a Special Treatment Area (CVMP Policy CV-1.27), discussed above, for the Rancho Canada Golf Club site that would allow residential development to occur despite the Area's underlying P/Q-P General Plan land use and zoning designations. Residential subdivision and development is not otherwise allowed on P/Q-P designated properties (the exception being one residence on an existing P/Q-P designated lot) in Monterey County. Subsequent

litigation by Carmel Valley Association (CVA) resulted in amendments to the CVMP in February 2013. Amendments included lowering of the building cap to 190 new residential units, 24 units of which are reserved for the Delfino Property (former Carmel Valley Airport). Effectively, after the adoption of the 2013 amendment, 166 new units were available for development throughout Carmel Valley, other than on the Delfino property.

The establishment of the 190-unit cap under CVMP Policy CV-1.6 is a guiding policy in terms of land use, development and traffic control throughout Carmel Valley. To date, six (6) units subject to the cap have been approved. This means that with the Delfino property reservation there are 160 new units currently available under the residential cap. Therefore, the 130-unit Alternative is within the limit of the new residential unit cap established by Policy CV-1.6.

- c) General Plan/CVMP Policy CV-2.17 – This policy provides that during review of development applications that require a discretionary permit, if traffic analysis of the proposed project indicates that the project would result in traffic conditions that would exceed the standards described in Policy CV-2.17(f), after the analysis takes into consideration the Carmel Valley Traffic Improvement Program to be funded by the Carmel Valley Road traffic Mitigation Fee, then approval of the project shall be conditioned on the prior (e.g., prior to project-generated traffic) construction of additional roadway improvements or an Environmental Impact Report shall be prepared for the project, which will include evaluation of traffic impacts based on the ADT methodology. This project is consistent with the policy because an EIR which includes evaluation of traffic impacts using ADT ~~methodology~~methodology has been prepared for this project.

- d) General Plan Land Use Policy LU-9.3 states:

Tentative subdivision maps for both standard and minor subdivisions that were approved prior to the adoption of this [2010] general plan may record final maps subject to meeting all conditions of approval and other legal requirements for the filing of parcel or final maps. Applications for standard and minor subdivision maps that were deemed complete on or before October 16, 2007 shall be governed by the plans, policies, ordinances and standards in effect at the time the application was deemed complete (emphasis added). Applications for standard and minor subdivision maps that were deemed complete after October 16, 2007 shall be subject to this General Plan and the ordinances, policies, and standards that are enacted and in effect as a result of this General Plan.

This policy implements the Subdivision Map Act,

specifically Government Code Section 66474.2. Government Code section 66474.2 requires that a local agency apply only those ordinances, standards, and policies in effect when a subdivision application is deemed complete. However, section 66474.2 has two exceptions: subsection (b) allows application of later adopted ordinances, policies, and standards enacted as result of proceedings to change the applicable general plan; and subsection (c) which allows application of applicant-requested changes in the ordinances, standards, and policies if such changes are adopted. Policy LU 9.3 was intended to implementing subsection (b) of Government Code section 66474.2, enabling the County to apply the 2010 General Plan to subdivision applications deemed complete after October 16, 2007. It was not meant to, and does not, preclude application of the 2010 General Plan to a project application deemed complete prior to 2007, which is allowable under Government Code subsection (c) of section 66474.2 if applicant agrees. Since the 1982 Monterey County General Plan that was in effect at the time the Project was deemed complete in August 2005 designated the site Public/Quasi-Public, a designation that does not allow residential subdivisions, the Alternative includes a General Plan Amendment to the current 2010 General Plan, in accordance with the applicant's request. The amendment would allow residential subdivision through the site-specific Special Treatment Area (Policy CV-1.27) criteria and modify the minimum percentage of affordable/workforce housing required from 50% affordable/workforce to 20% affordable, making the Alternative consistent the 2010 General Plan.

- e) General Plan Policy LU-9.6 - 2010 General Plan, Land Use Policy LU-9.6 states in part: The Board shall consider two packages of General Plan amendments per year. Projects deemed complete prior to October 16, 2007 shall not be subject to this limit. The language of Policy LU-9.6, establishes that projects "deemed complete" prior to October 16, 2007 are not subject to the two-times-per-year General Plan Amendment rule. The project was deemed complete on August 10, 2005, over two years prior. Therefore, adoption of the General Plan Amendment included in the Alternative project that amends Policy CV-1.27 modifying the minimum percentage of required affordable housing from 50% affordable/workforce to 20% affordable is consistent with the policy without being subject to LU 9.6's limit on general plan amendments.
- f) General Plan Policy LU-1.19 - The Alternative project, as proposed and conditioned, is consistent with the provisions of General Plan Policy LU-1.19. The Policy's applicability to the site is uncertain due to the Policy's intent to apply to areas of the County not targeted for

development, unlike the Special Treatment Area (CV-1.27), which specifically identified a higher intensity of development for the site. Given the Alternative's location in Carmel Valley, it is outside of a Community Area, Rural Center or Affordable Housing Overlay, the areas that are specified as exempt from Policy LU-1.19. Assuming that Policy LU-1.19 does apply to Special Treatment Areas, the Board finds that the project passes the DES criteria. While the Alternative is being considered in advance of finalizing the Development Evaluation System (DES), the County has previously applied the DES evaluation criteria to other projects pending finalization of the DES [by including evidence as part of the resolution](#). Therefore, the fact that the County has not adopted the DES does not preclude consideration of the project. [This resolution includes evaluation of this development in accordance with Policy LU-1.19.](#)

The Alternative project, meets the evaluation criteria set forth in Policy LU-1.19, and through the included General Plan Amendment allowing for a 20% minimum of affordable housing notwithstanding any other General Plan policies, the Alternative is consistent with the DES criteria stipulating a minimum 35% affordable/Workforce housing. Therefore, 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. The following is the text of Policy LU-1.19 and a summary of the Alternative's consistency with the policy's criteria:

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.”

Given the Project’s infill nature (the site has been developed as a 36-hole public golf course for over 40 years) and location at the Mouth of Carmel Valley, near existing communities, [infrastructure](#) (major roadways, [water, sewer](#)) and services, the 130-unit Alternative is consistent with the majority of the specified DES criteria, if the criteria are deemed to apply to an infill location such as the proposed site. As with the Special Treatment Area, the Inclusionary Ordinance and General Plan Policy LU-2.13, the one potential area of inconsistency between the 130-unit Alternative 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, the RCV site is designated as a Special Treatment Area (CVMP Policy CV-1.27) by the 2010 General Plan; a site-specific designation that was established in acknowledgement of the RCV Project and, accordingly, treats the property in a manner unique to its location. Under the Special Treatment Area designation, the originally proposed 281-unit Project would have provided nearly 50% affordable/workforce housing, but, due to the unit cap in CVMP Policy CV-1.6 the 281-unit Project cannot be approved without a General Plan Amendment increasing or eliminating the 190-new units cap. Therefore, as previously discussed, a General Plan Amendment modifying the Special Treatment Area’s 50% affordable/workforce housing provision is included as part of the Alternative.

Specifically addressing Policy LU-1.19’s criteria: In terms 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 the type of residential development proposed. Moreover, the site’s suitability for a residential project like the RCV proposal is reflected in the Special Treatment Area designation and criteria placed

on the project site, allowing for a residential project of this scale and density on the existing Rancho Canada Golf Course. The site's location also provides direct 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 has long been developed and used as a public golf course, meaning that the proposed RCV project will result in less water usage than baseline conditions. For instance, it is estimated that the residential component of the 130-unit Alternative will use approximately one-third the water historically used by the West Course. To reiterate, the site's location in the more intensely developed Mouth of the Valley also 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.

Regarding the criteria "mix/balance of uses" and "jobs-housing balance," the Alternative proposes a significant amount of much-needed housing at the Mouth of the Valley. As discussed, the Alternative is subject to the County's Inclusionary Housing Program, and will result in 25 units of housing with an affordability restriction requiring those units to be affordable to moderate income households. Also, through the mix of housing types proposed (i.e., small-lot single-family detached, duet units and apartments/condominiums) the housing should be "affordable by design" relative to the large-lot, single-family detached residences more characteristic of Carmel Valley. While the majority of the Alternative's proposed units would not be subject to affordability deed restriction, the proposed mix of small-lot attached and detached housing units builds in a degree of relative affordability and would, based on recent housing trends, provides housing types more in sync with younger, working families and seniors. As stated by the applicant, [County finds that](#) due to the significant reduction in housing units from the original 281-unit Project, the 130-unit Alternative 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 will be resolved. Under the proposed General Plan amendment, 20% of the units would be deed-restricted to be affordable to moderate income households (up to 120% of median income), which would still result in needed affordable housing in Carmel Valley.

Finally, regarding “resource management” and “environmental impacts and potential mitigations,” the Alternative would create a residential development compatible with the easterly portion of the property (previously an 18-hole East Golf Course) which will likely become permanent open space and park land in the near future based on the site’s recent purchase by the Public Trust for Land and the surrounding park and open space land to the south. Specifically, the Alternative would add and enhance native landscaping, trails and natural-looking ponds to accommodate onsite drainage and benefit wildlife. The project site will also include connections to the existing bridge over the Carmel River, linking the site with Palo Corona Regional Park, and will maintain wildlife corridors allowing species access through the site to regional open space areas.

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 Alternative is consistent with the policy.

- g) General Plan Policy LU-2.13 - Policy LU-2.13 of the 2010 General Plan requires changing the Inclusionary Housing Ordinance to require a proportion of 25% affordable units, retaining the 20% for low, very-low and moderate income levels and adding 5% for workforce units. Policy LU-2.13 states:

The County shall assure consistent application of an Affordable Housing Ordinance that requires 25% of new housing units be affordable to very low, low, moderate, and workforce income households. The Affordable Housing Ordinance shall include the following minimum requirements:

- a) 6% of the units affordable to very low-income households*
- b) 6% of the units affordable to low-income households*
- c) 8% of the units affordable to moderate-income households*
- d) 5% of the units affordable to Workforce I income households*

The County’s Inclusionary Housing Ordinance (Chapter 18.40) requires 20% of new housing units to be affordable to very low, low and moderate-income households at the percentages specified in Policy LU-2.13. Unlike Policy LU-2.13, the Inclusionary Ordinance does not require 5% of new units to be affordable to Workforce I (120%-150% of median County household income) income households. To date, no residential projects have been required to provide 25% affordable units, consistent with Policy LU-2.13.

The basis for the applicant’s position for the Alternative to provide 20% affordable units to moderate income households is the significant

reduction in units from the originally proposed 281-unit Project, which understandably made a higher proportion of affordable/workforce units more financially viable. It is plausible that had the 130-unit Alternative been a likely or foreseeable option at the time that the site's Special Treatment Area designation (CVMP Policy CV-1.27) was adopted the requirement for a minimum of 50% affordable/workforce housing would not have been included in the 2010 General Plan. The 130-unit Alternative, at 3.25 units/acre (based on 40 acres), is well below the 10 units/acre density allowed by the Special Treatment Area, indicating a fundamental relationship (i.e., the greater the density the greater the percentage of affordability) between density and affordability. Since approval of the 130-unit Alternative includes a General Plan Amendment to the site-specific Special Treatment Area (Policy CV-1.27) language modifying the minimum affordable/workforce housing requirement from 50% to 20% affordable, *notwithstanding any other General Plan policies*, the Alternative is consistent with General Plan Policy LU-2.13.

3. **FINDING: LONG-TERM SUSTAINABLE WATER SUPPLY AND ADEQUATE WATER SUPPLY SYSTEM** – The project has a long-term, sustainable water supply, both in quality and quantity, and an adequate water supply system to serve the development as required by General Plan Policies PS-3.1, PS-3.2, and PS-3.9.

EVIDENCE: a) The new development will use or require the use of water. The 130 residential units and associated facilities will use approximately 70 acre feet per year (AFY) of water. ~~Applicant proposes to transfer up to 60 AFY to Cal-Am users through a subsequent permit issued by the Monterey Peninsula Water Management District (MPWMD), and the State Water Resources Control Board would have to approve the necessary appropriative water rights. County's approval is limited to the project, which uses 70 acre feet.~~ The EIR analysis concludes that there is more than enough capacity under the baseline for the project. Baseline is determined to be 167 afy. What is not used (97 afy) is available to go back to the Carmel River unless other actions by other agencies are taken to transfer (sell) water credits.

Applicant proposes to transfer up to 60 AFY to Cal-Am users through a subsequent permit issued by the Monterey Peninsula Water Management District (MPWMD), and the State Water Resources Control Board would have to approve the necessary appropriative water rights. County's approval is limited to the project, which uses 70 acre feet. Authorizing the transfer of water is not within the authority of the County and is not part of the County's actions on the project.

- b) The fundamental intent of the County General Plan Goal PS-3 and associated policies is that new development must have a long-term sustainable water supply in terms of quantity and quality. The analysis shows that the 130-unit Alternative 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. In regards to quality, the 130-unit Alternative would draw water from the same location that Cal-Am currently draws water to serve its customers. Regardless of the mode of water delivery for the proposed residential use (Cal-Am distribution system or a separate community services district or mutual water company), the water can be treated to all regulatory standards just like the water being drawn at present from Cal-Am wells on the Rancho Canada Golf Course property 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 the FEIR 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: If the project is served by Cal-Am, it has proven capabilities to deliver water*. If a separate water system is proposed, the Project Applicant will be required to obtain all necessary permits for the separate water delivery system and to demonstrate to the County's satisfaction that the water delivery system can deliver water consistently and perpetually to the project. With mitigation, the project's water supply can meet this criteria.
 - *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 either the Project or Alternative. The Applicant is also seeking to obtain an appropriative right from the SWRCB in order to facilitate the proposed water transfer.
 - *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 baseline 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 by either the Project or the Alternative.
- With proposed Mitigation Measure PS-1 to ensure delivery of the project's water supply and constrain it to a maximum of the amounts estimated in this EIR, the Proposed Project or the 130-unit Alternative 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. PS 3.9 requires an applicant for a subdivision proposal such as this project to "provide evidence of a long term sustainable water supply in terms of yield and quality

for all lots that are to be created through subdivision.” The project is consistent with this policy for all of the same reasons that the project is consistent with PS 3.2.

4. FINDING

ZONING – The Alternative includes a rezoning from the Public/Quasi-Public (P/Q-P) Zoning District to the Medium-Density Residential and Low-Density (Lot 130 only) Residential Zoning Districts, and is also included in the Design Control and Site Plan Review Combining Zoning Districts.

- a) The Alternative includes a rezoning from the Public/Quasi-Public (P/Q-P) Zoning District to the Medium-Density Residential and Low-Density (Low-Density only) Zoning Districts, consistent with the residential use and density proposed by the project. The Alternative site remains in the CVMP Policy CV-1.27 Special Treatment Area, which allows residential use and development at a density of up to 10 units/acre.
- b) 129 of the proposed residential lots, located on the former West Course of the Rancho Canada Golf Club, will be rezoned Medium-Density Residential from P/Q-P upon recordation of a final map creating the lots; Lot 130, approximately 4.6 acres in area, located approximately 0.5 miles east of the former West Course will be rezoned Low-Density Residential from P/Q-P upon recordation of a final map creating this lot.
- c) The Alternative site is in the Design Control (D) and Site Plan Review (S) Combining Districts. Grading and site work included in the Alternative is consistent with the purpose of S District which requires review of development in those areas of the County where development, by reason of its location has the potential to adversely affect or be adversely affected by natural resources or site constraints, without imposing undue restrictions on private property in that the Alternative will not import offsite fill material for grading work, includes environmentally sensitive, naturally-contoured site work and significant habitat restoration. The Alternative does not include any Design Approvals as part of the project since no structures are proposed at this time. All future housing development will be subject to Design Approval.

5. FINDING

In order to develop the Alternative, the Combined Development Permit includes a Vesting Tentative Subdivision Map for the 130 unit Alternative; Use Permits for development in the Carmel River Floodplain, for tree removal, and for grading and infrastructure. With the approval of the Combined Development Permit as well as the General Plan amendment and zoning, the project is consistent with the 2010 General Plan/Carmel Valley Master Plan and zoning for the site.

- EVIDENCE**
- a) The Alternative includes site work and habitat restoration in the Carmel River Floodplain, on the southern portion of the Alternative project site, which will result in naturally-contoured grading; extensive newly-planted, native, riparian landscaping and flood improvements. No habitable structures or visible above-grade structures are proposed in the floodplain.
 - b) A Use Permit allowing the removal of up to 139 native trees, and 435 total trees, is included. The Alternative, as part of proposed and conditioned site restoration will plant 1,286 native trees.
 - c) The Alternative site is located on the south side of Carmel Valley 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 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 Alternative site, abutting Highway 1. The Alternative is located on a site at the mouth of the Carmel Valley and is compatible with the nearby residential uses, which include both higher density development to the west and lower density development to the east, as well as the institutional, open space and commercial uses in the vicinity.
 - d) The project planner conducted site inspections in May and June 2015, when the West Golf Course was operational, and in September 2016, after the course ceased operation. Through these visits project planner verified that the project conforms to the plans listed above and is suitable for the proposed development and uses.

6. 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: RMA-Planning; Cypress and Carmel Highlands Fire Protection Districts; Parks Department, RMA-Public Works, RMA-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 Geology and Soils; Hydrology; Biological Resources; Aesthetics; Land Use; Hazards and Hazardous Materials; Transportation and Circulation; Air Quality; Noise; Public Services, Utilities and recreation; Cultural Resources; Population and Housing; Greenhouse Gas Emissions and Climate Change
- c) The project planner conducted site inspections in May and June 2015, when the West Course was operational, and in September 2016, after the course ceased operation. Through these visits project planner 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 RMA - Planning for the proposed development found in Project File PLN040061.

7. FINDING: HEALTH AND SAFETY / NO VIOLATIONS - The establishment, maintenance, or operation of the Alternative project will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County. 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 is provided by the Carmel Area Wastewater District (CAWD) and water is 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 medium density 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 and researched County records to assess if any violation exists on the subject property. Staff reviewed Monterey County RMA - 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 RMA - Planning for

the proposed development found in Project File PLN1040061.

8. FINDING:

CEQA: CERTIFICATION OF THE FINAL EIR – Pursuant to Section 15090 of the CEQA Guidelines, prior to approving a project the lead agency shall certify that: a) The Final EIR has been completed in compliance with CEQA; b) The Final EIR was presented to the decision-making body of the lead agency and that the decision-making body reviewed and considered the information contained in the Final EIR prior to approving the project; c) The Final EIR reflects the lead agency’s independent judgment and analysis.

EVIDENCE:

- a) A Draft EIR was prepared for the Rancho Canada Village Project in January 2008 (then called Rancho Canada Specific Plan) and circulated for public comment from [redacted] to [redacted]. This January 2008 DEIR was superseded and replaced by the May 2016 Rancho Canada Village Project Recirculated Draft EIR (RDEIR) (SCH#: 2006081150). ~~A Notice of Availability (NOA) was prepared for the RDEIR and established a public review/comment period from June 2 through July 22, 2016. An Amended NOA for the RDEIR extended the public review/comment period on the RDEIR from June 2 through August 8, 2016 and specifically clarified for the public and reviewing agencies that the RDEIR superseded the January 2008 DEIR. The Amended NOA further stated that any comments that had been submitted on the January 2008 DEIR would not be responded to unless newly submitted. Based on requests from the Carmel Valley Association to extend the public comment period on the RDEIR beyond August 8, 2016, the County provided responses to all comments received through August 31, 2016. Thus, the comment period on the RDEIR was from June 2 through August 31, 2016, a period of 91 days. Comments received on the January 2008 DEIR were addressed as part of the RDEIR.~~
- b) A Notice of Availability (NOA) was prepared for the RDEIR and established a public review/comment period from June 2 through July 22, 2016. An Amended NOA for the RDEIR extended the public review/comment period on the RDEIR from June 2 through August 8, 2016 and specifically clarified for the public and reviewing agencies that the RDEIR superseded the January 2008 DEIR. The Amended NOA further stated that any comments that had been submitted on the January 2008 DEIR would not be responded to unless newly submitted. Based on requests from the Carmel Valley Association to extend the public comment period on the RDEIR beyond August 8, 2016, the County provided responses to all comments received through August 31, 2016. Thus, the comment period on the RDEIR was from June 2 through August 31, 2016, a period of 91 days.
- c) A draft Final EIR (FEIR) was presented to the Planning Commission on November 9, 2016 for its consideration and recommendation to the Board of Supervisors. The Planning Commission held a special meeting on November 16, 2016, at which time the Commission

recommended (4-3, 3 Commissioners absent) that the Board certify the draft Final EIR. The November 9, 2016 draft FEIR was finalized prior to the Board of Supervisors' hearing on the project. The Board of Supervisors was presented with the FEIR on December 1, 2016 and reviewed and considered the information contained in the FEIR prior to approving the Alternative project.

- ed) The information contained in and the conclusions reached in the FEIR reflect the County of Monterey's independent judgment and analysis.
- be) No consultation required under Assembly Bill 52 (AB52) was conducted with a Native American Tribe relative to Tribal Cultural Resources because the Notice Of Preparation (NOP) for this project was issued on August 30, 2006 and was available for public review until September 29, 2006. The requirement for tribal consultation pursuant to AB52 is for projects that had a NOP issued on or after July 1, 2015.
- ef) All project changes and feasible mitigation measures 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 into an "Agreement to Implement a Mitigation Monitoring and/or Reporting Plan" as a condition of project approval
- eg) Pursuant to CEQA Guidelines Section 15088(b), the County notified those public agencies that submitted comments on the RDEIR that a FEIR is available for review and provided the proposed responses to the public agencies comments at least 10 days prior to the Board of Supervisors' consideration of the FEIR.
- eh) Evidence that has been received and considered includes: the application, technical studies/reports, staff report that reflects the County's independent judgment, and information and testimony presented during public meetings and hearings (as applicable).
- fi) Monterey County Resource Management Agency (RMA)-Planning, located at 168 W. Alisal, 2nd Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to certify the Final EIR will be based.

- 9. FINDING: CEQA (EIR): 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 130-UNIT ALTERNATIVE – The 130-Unit Alternative 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 Board of Supervisors' conditions of project approval. Changes or alterations have been required in, or incorporated into, the 130-Unit Alternative that mitigate or avoid the significant effects on the environment as identified in the Final EIR (FEIR). The impacts identified below are described in detail in the FEIR certified for the Rancho Cañada Village Project, which is hereby incorporated by reference. These mitigation measures are set forth in full in the Conditions of Approval/Implementation Plan/Mitigation Monitoring and Reporting Plan being adopted with this approval (Exhibit 1 of the Resolution).

No findings are required for impacts that are less than significant and require no mitigation.

- EVIDENCE:** a) The EIR identified potentially significant impacts that require mitigation to Geology and Soils; Hydrology; Biological Resources; Aesthetics; Land Use; Hazards and Hazardous Materials; Air Quality; Noise; Public Services, Utilities, and Recreation; Cultural Resources; and Greenhouse Gas Emissions and Climate Change¹ which could result from 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. The Board of Supervisors considered project approval subject to conditions of approval that incorporate the proposed mitigation measures.
- b) Geology and Soils. The proposed 130-Unit Alternative would potentially be affected by seismically-related ground settlement, landslides, soil erosion and sedimentation, and expansive soils. Potentially significant effects on geology and soils have been mitigated to less than significant levels through building and site design requirements, and provisions to avoid erosion and sediment during construction.

IMPACT GEO-3: Mitigation Measure (MM) GEO-1 from the EIR provides that in order to avoid a significant effect from ground settlement, prior to construction the Project 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.

IMPACT GEO-5: MM GEO-2 would avoid potential effects from landslides by requiring the Project Applicant or successor(s) in interest in to conduct additional geotechnical investigation prior to development to determine if there are

¹ The numbering of impacts and mitigation measures in these findings reflects the numbering in the Final EIR for the approved project.

any direct or indirect landslide risks, including risks from landslides north of Carmel Valley Road on proposed development of Lot 130. If landslide hazards are identified, then the site-specific recommendation of the additional investigation will be incorporated into site plans. The MM requires investigation and design work to be done by a geotechnical engineer, subject to County review.

IMPACT GEO-6: MM GEO-3 requires the Project Applicant or successor(s) in interest, or a qualified consultant acting on their behalf, to prepare and implement an erosion and sediment control plan. The plan will be prepared in accordance with the requirements of the County's erosion and sediment control ordinances and under the review of the County. This measure can be supplemented by MM HYD-2 requiring preparation of a storm water pollution prevention plan (SWPPP) in compliance with National Pollutant Discharge Elimination System (NPDES) general construction permit requirements.

IMPACT GEO-7: MM GEO-4, in conjunction with MM GEO-1, will ensure that the Project applicant or successor(s) in interest will implement the recommended design criteria of the geotechnical report for Lot 130 during site preparation to remove expansive soils. MM GEO-5 further addresses the potential for expansive soils on Lot 130 by requiring the Project Applicant or successor(s) in interest to prepare a geotechnical report for Lot 130 to determine soil expansion potential. Development on this lot will be designed by a qualified architect and/or engineer according to the recommended design criteria of the geotechnical report.

IMPACT GEO-C2: The proposed 130-Unit Alternative's contribution to cumulative effects of accelerated runoff, erosion, and sedimentation are avoided through the implementation of MMs GEO-1 through GEO-5. These measures ensure that the proposed project is designed to minimize these impacts and that construction activities include specific safeguards against these impacts such as compliance with County erosion and sediment control ordinances and implementation of a SWPPP.

- c) Hydrology. The proposed 130-Unit Alternative would potentially increase the potential for erosion or siltation from the site, increase storm water runoff resulting in flooding impacts, degrade surface water quality from construction, and place structures within a 100-year floodplain. These potentially significant effects on hydrology have been mitigated to less than significant levels through best management practices (BMPs), construction requirements, post-construction management requirements, the requirements of an operations and maintenance plan, and provisions to avoid development within the 100-year floodplain.

IMPACTS HYD-1, HYD-2, and HYD-3: MM HYD-1 requires the Applicant or successor(s) in interest to submit to Monterey

County RMA 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 in compliance with the County's MS4 Permit. MM HYD-2 requires the Applicant or successor(s) in interest to submit an Operation and Maintenance (O&M) Plan to RMA Environmental Services for review and approval. The plan will identify all structural Stormwater Control Measures requiring O&M practices to function as designed; O&M procedures for each structural Stormwater Control Measure; and short- and long-term maintenance requirements, recommended frequency of maintenance, and estimated maintenance costs. MM HYD-3 requires the Applicant or successor(s) in interest to enter into Maintenance Agreement with Monterey County that will clearly identify the responsible party for ongoing maintenance of structural Stormwater Control Measures. The agreement will contain provisions for an annual report to be prepared by a registered professional engineer for review and approval by the RMA-Environmental Services to ensure that all recommended maintenance has been completed before the start of the rainy season. MM HYD-4 requires the Applicant or successor(s) in interest to implement a spill prevention and control program, subject to County approval, that will minimize the potential for, and effects from, spills of hazardous, toxic, or petroleum substances during construction activities for all contractors. MM HYD-5 requires in the event of an appreciable spill that adversely affects surface water or groundwater quality, a detailed analysis will be performed by a Registered Environmental Assessor to identify the likely cause of contamination. This measure requires the recommendations for reducing or eliminating the source of mechanisms of contamination to be implemented and groundwater quality returned to baseline conditions. MM GEO-3 requires the Project Applicant or successor(s) in interest, or a qualified consultant acting on their behalf, to prepare and implement an erosion and sediment control plan.

IMPACT HYD-5: MM HYD-6 will require the potential for erosion to the upstream (eastern slope) portion of the excavated basin to be mitigated by slope protection measures that could include rock or turf-reinforced mats. MM HYD-7 avoids encroachment into the 100-year floodplain by Lot 130 uses by prohibiting the placement of structures or fill will be placed within the 100-year floodplain area on the south side of the newly created Lot 130.

IMPACT HYD-C1: The 130-Unit Alternative would contribute to cumulative impacts to hydrology and water quality. Those contributions are reduced to a less than considerable level by the mitigation measures described in Chapter 3.2 *Hydrology* of the Final EIR.

- d) Biological Resources. The 130-Unit Alternative has the potential to adversely affect special-status plant and animal species, their habitat, and waters of the United States. These potentially significant effects on biological resources have been mitigated to less than significant levels through specific measures that will be undertaken prior to, during, and after construction.

IMPACT BIO-3: MM BIO-1 requires the Applicant or successor(s) in interest to retain a qualified botanist to conduct a pre-construction, blooming season survey of the Coast Live Oak woodland habitat on Lot 130 for Jolon clarkia and fragrant fritillary. MM BIO-2 would be applied if the survey identifies Jolon clarkia or fragrant fritillary on the site. The Project Applicant or successor(s) in interest will be required to redesign or modify the Project to avoid direct and indirect impacts on special-status plant species, if feasible.

Additionally, the special-status plant species near the 130-Unit Alternative site will be protected from temporary construction disturbance. If impacts are unavoidable, the Project Applicant or successor(s) in interest will coordinate with the Department of Fish and Wildlife (DFW) and Monterey County to determine a compensation plan to replace the loss of special-status plants. The compensation plan will preserve in perpetuity an offsite area containing the affected special-status plant or plants and will provide for annual success monitoring of the site. MM BIO-3 will require the Applicant or successor(s) in interest to retain a qualified biologist who will conduct mandatory pre-construction contractor/worker awareness training for construction personnel.

IMPACT BIO-4: MM BIO-3 would also reduce the impact of loss of riparian forest and woodland habitat by educating workers about avoiding marked resource areas during construction. MM BIO-4 will require the Project Applicant or successor(s) in interest to fully implement the required restoration plan, 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 Restoration Plan is not effective. MM BIO-5 requires the Applicant or successor(s) in interest to restore riparian forest/woodland concurrent with impact to compensate for the permanent loss of riparian forest habitat. MM BIO-6 requires the Applicant or successor(s) in interest to retain a qualified botanist who will 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.

IMPACT BIO-5: MM BIO-8 requires the Applicant or successor(s) in interest to avoid the permanent loss of Coast Live Oak woodland habitat associated with the construction of Lot 130 through onsite and/or offsite creation of oak woodland at a compensation ratio greater than 1:1, which will be determined in consultation with the regulatory agencies. The mitigation would be required to obtain all necessary approvals for this compensation prior to construction.

IMPACT BIO-6: MM BIO-9b requires the Applicant or successor(s) in interest to compensate for the loss of pond and wetland habitat through onsite and/or offsite creation of both pond and wetland habitat, consistent with the 2006 Zander Restoration Plan. Conversely, a restoration plan for the 130-Unit Alternative may be developed upon approval of the Alternative to compensate for the loss of wetlands and waters of the United States and state, and the Applicant or successor(s) in interest will obtain all necessary regulatory permits and landowner approvals to implement this measure prior to construction. MMs HYD-1 through HYD-5 will be imposed to minimize spills, erosion, and sedimentation that could be detrimental to pond and wetland habitat. MMs BIO-4 and BIO-5 will also reduce this impact by mandating implementation of a restoration plan and compensating for the loss of riparian habitat.

IMPACT BIO-7: MM BIO-10 will require the Applicant or successor(s) in interest to replace protected trees at a minimum ratio of 1:1 (the 2006 Zander Restoration Plan calls for 1,286 trees to be planted in the habitat reserve area to offset the removal of 435 trees) in an 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.

IMPACT BIO-8: MM BIO-3 will require the Applicant or successor(s) in interest to retain a qualified biologist who will conduct mandatory pre-construction contractor/worker awareness training for construction personnel, thereby reducing the potential for impacts. MM BIO-5 requires the Applicant or successor(s) in interest to restore riparian forest/woodland concurrent with impact to compensate for the permanent loss of riparian forest habitat. MM BIO-6 requires the Applicant or successor(s) in interest to retain a qualified botanist who will 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. MM BIO-11 will require the Applicant or successor(s) in interest retain qualified biologists to conduct a formal site assessment of the 130-Unit Alternative site for California Red-legged Frog (CRLF) according to

FWS' *Revised Guidance on Site Assessments and Field Surveys for the California Red-legged Frog* (August 2005). If CRLF are found, the FWS otherwise determines that the site is CRLF habitat, or it is assumed that CRLF are present, Mitigation Measures BIO-12 through BIO-14 will be implemented. MM BIO-12 will require actions that would minimize mortality of CRLF eggs, larvae, and adults. MM BIO-13 requires a pre-construction survey for CRLF to avoid affecting frogs during construction. MM BIO-14 will require the Applicant or successor(s) in interest or their contractor to retain the services of a qualified FWS-approved biologist to monitor initial ground-disturbing construction activities within CRLF upland habitat. If a CRLF 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, pursuant to an "incidental take" authorization from the FWS. MM BIO-15 will require the Applicant or successor(s) in interest to compensate for the permanent loss of suitable CRLF breeding habitat for by creating or preserving suitable aquatic habitat within a FWS-approved conservation area (and preserving adjacent upland habitat). This measure describes the basis performance standards necessary to the conservation area.

IMPACT BIO-9: MM BIO-16 requires the Applicant or successor(s) in interest to retain a qualified wildlife biologist to conduct a preconstruction survey for southwestern pond turtles and to relocate any turtle found and to mark a protective area around any nest to avoid impacts to this species.

IMPACT BIO-11: MM BIO-17 requires the Applicant or successor(s) in interest to retain a qualified biologist to conduct two surveys for nesting tricolored blackbirds in the California bulrush wetland during the breeding season and to prescribe DFW-reviewed avoidance measures if birds or nests are found. MM BIO-18 provides that the Applicant or successor(s) in interest will replace lost tricolored blackbird nesting habitat in coordination with DFW if a tricolored blackbird nesting colony is documented per Mitigation Measure BIO-16.

IMPACT BIO-12: MM BIO-19 will require the Applicant or successor(s) in interest to conduct surveys for Monterey dusky-footed woodrat middens and relocate woodrats and middens prior to construction activity in order to avoid an adverse impact on this species.

IMPACT BIO-13: MM BIO-5 requires the Applicant or successor(s) in interest to restore riparian forest/woodland concurrent with impact to compensate for the permanent loss of riparian forest habitat, thereby reducing impacts on tree and shrub nesting migratory birds and raptors. MM BIO-20 provides that during construction of the 130-Unit Alternative, the Applicant or successor(s) in interest or their contractor will

ensure that construction contractors remove trees and shrubs only during the non-breeding season for migratory birds. This measure includes performance standards that further detail its aversion requirements.

IMPACT BIO-14: MM BIO-21 will require the Applicant or successor(s) in interest's biologist to conduct a survey for suitable bat roosting habitat and evidence of roosting bats, and to undertake the necessary activities, on consultation with DFW, to avoid disturbing bats.

IMPACT BIO-15: MMs HYD-1 through HYD-6, as summarized above, will be implemented to avoid impacts to the Carmel River from potential erosion and sedimentation. In order to avoid impacts to steelhead in the event that they risk stranding in high river flow events, MM BIO-22 will require the Applicant or successor(s) in interest to apply to the NOAA Fisheries and to the DFW for permission to rescue steelhead if they become trapped in the new site basin. The Applicant or successor(s) in interest will be responsible for arranging the inspection of the basin after any storm event that results in temporary filling from the Carmel River.

IMPACT BIO-16: MMs BIO-3 through BIO-6 and BIO-9b will be implemented, as summarized above, in order to minimize impacts on wildlife movement, movement corridors, and nursery sites.

IMPACT BIO-17: MM BIO-10, as summarized above, will require the Applicant or successor(s) in interest to replace protected trees. This will conform the 130-Unit Alternative to the County tree preservation policy or ordinance.

IMPACT BIO-18: MM BIO-23 will require the future Homeowner's Association, the Monterey Peninsula Regional Park District or other entity responsible for maintenance of the habitat preserve to install signs along and within the habitat preserve to remind visitors to keep dogs on leashes at all times when on trails in the habitat area and encouraging residents to keep their cats indoors. This will reduce the potential for domestic pets to adversely affect wildlife or be adversely affected by wildlife.

IMPACT BIO-C1: MMs BIO-1 through BIO-23 reduce the 130-Unit Alternative's contribution to the cumulative effect to the extent that the contribution is not considerable.

- e) Aesthetics. The 130-Unit Alternative has the potential to result in a substantial change in visual quality from nearby sites, introducing a new source of light and glare, or making a considerable contribution to light and glare would have a significant effect. However, with mitigation the 130-unit Alternative would have a less than considerable contribution to this impact.

IMPACTS AES-2 and AES-4: MM AES-1 will require the Applicant or successor(s) in interest to undertake specific

actions to minimize the 130-Unit Alternative's visual impact from nearby residences and businesses. These include a vegetative buffer to screen the site from its neighbors. This will also act to reduce the potential for the 130-Unit Alternative to create a new source of light and glare. IMPACT AES-C1: MM AES-1 will keep the contributions of the 130-Unit Alternative to a less than considerable level.

- f) Land Use. The 130-Unit Alternative has the potential to introduce new land uses that could be considered to be incompatible with the surrounding land uses or with the general character of the area.

IMPACT LU-1: The type of development and its density are in keeping with existing residential development in the general area, which includes both higher and lower density development than that proposed by the Alternative. Moreover, the 130-Unit Alternative is consistent with the scale and nature of other adjacent developed parcels, such as the Carmel Middle School and church immediately to the north, and the proposed landscape buffer required under MM AES-1 will soften the edges of the Alternative and mitigate any potential for visual incompatibility.

- g) Hazards and Hazardous Materials. The 130-Unit Alternative could have a significant effect if it resulted in the release of hazardous materials into the environment, disruption of unknown underground utility lines, involved the routine handling of hazardous materials, or result in hazardous emissions within ¼-mile of a school. With mitigation, the impacts are less than significant.

IMPACT HAZ-1: Under MM HAZ-1, 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. MM HAZ-2 requires the site contractor to immediately contain spills, excavate spill-contaminated soil, and dispose of contaminated soil at an approved facility. MM HAZ-3 will require the Applicant or successor(s) in 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 operation 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. In addition, the County will require the Applicant or successor(s) in interest 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. The

County will also require the Applicant or successor(s) in interest 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. MM HAZ-4 requires that prior to start of demolition or construction activities on Lot 130, the contractor will be required to conduct sampling in locations where asbestos-containing materials or lead-based paint are anticipated, to identify whether potential hazards exist and whether special precautions to prevent workers from exposure to lead-based paint or asbestos are necessary during structure demolition. If friable asbestos materials or lead based paints are encountered, these materials will be safely removed and properly disposed of using procedures established by OSHA and the MBUAPCD. MM PSU-2 will require the contractor to coordinate with appropriate utilities to avoid damaging underground lines.

IMPACT HAZ-2: Under MM HAZ-5, the County will require future residents of Rancho Cañada Village to participate in the Monterey Regional Waste Management District's Household Hazardous Waste Collection Program to ensure that household hazardous wastes are disposed of properly.

IMPACT HAZ-3: MMs HAZ-1 through HAZ-5, summarized above, will ensure that hazardous materials, if any, are handled appropriately to avoid their release into the environment. This will avoid any adverse effect on the nearby Carmel Middle School.

IMPACT HAZ-C1: MMs HAZ-1 through HAZ-5, summarized above, will reduce the project's contribution to cumulative hazards to the public and environment from hazardous wastes and materials to a less than considerable level.

- h) Air Quality. The 130-Unit Alternative could result in a long-term increase in ROG, NOx, CO, and PM10 emissions from vehicular traffic and area sources.

IMPACT AIR-2: MM AIR-1 (Prohibit Wood-Burning Fireplaces) would reduce operational ROG, CO, and PM10 emissions below threshold levels, as illustrated in Table 3.8-9 of the RDEIR. The impact would thereby be less than significant.

- i) Noise. The 130-unit Alternative could expose future onsite noise-sensitive land uses to excessive noise levels from nearby uses, and expose existing noise-sensitive land uses to construction noise.

IMPACT NOI-1: MM NOI-1 will require the Applicant or successor(s) in interest to retain a qualified acoustical consultant to identify specific outdoor and indoor residential areas near the baseball fields and batting practice area and

residential areas on Lot 130 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. The report will be subject to review and approval by the County prior to the issuance of building permits. IMPACT NOI-3: Under MM NOI-2, the Applicant or successor(s) in interest will be required to implement noise reducing construction practices such that noise from construction is in compliance with the Monterey County Health and Safety Noise Control Ordinance. This will ensure that noise levels will be less than significant.

- j) Public Services, Utilities, and Recreation. The 130-unit Alternative could result in an increased demand for water; increased demand for water infrastructure (some treatment facilities may be necessary as well as pipelines and pumping to transport treated water to the residential area); construction-related service disruptions; and a cumulative increase in demand for public services and utility infrastructure and capacities. The availability of water to serve the approved project from water supplies utilized by the prior West Golf Course is discussed in detail in Chapter 3.10 *Public Services, Utilities, and Recreation* and Appendix H of the Final EIR, which is hereby incorporated by reference. The mitigation measures that are incorporated as conditions of approval mitigate the potential significant effects.

IMPACT PSU-5: As discussed in Chapter 3.10 *Public Services, Utilities, and Recreation* of the Final EIR, the 130-Unit Alternative would use substantially less water than the West Golf Course's baseline water use. Even with a water transfer of 60 acre/feet per year (AFY) to other Cal-Am users, and a nearly 59.5 AFY instream dedication of water to the Carmel River, the approved project would still have a lower demand than the baseline conditions. MM PSU-1 establishes an enforcement mechanism to ensure that the project will meet the water budgets described in the Final EIR. MM PSU-1 will require the Applicant or successor(s) in interest to obtain a permanent dedication of 60 AFY of the water rights associated with the project site to project uses (precluding any other use or transfer), and to provide the Monterey Peninsula Water Management District (MPWMD) and the County with proof of State Water Resources Control Board approval of the necessary appropriative water rights. In addition, this measure requires the responsible parties to demonstrate to MPWMD and the County that all water efficiency measures are employed and will be employed over the life of the development, and commits MPWMD and the County to monitoring the issuance of building permit and water use permits to ensure that the development will comply with the

water budgets. Finally, this measure will mandate that the MPWMD and the County require responsible parties to take actions to reduce water use and increase efficiency should monitoring and reporting indicate that the water budgets are being exceeded. This measure ensures that the approved project will not have a significant effect on water demand. IMPACT PSU-6: MM PSU-2 will require that prior to construction, the Applicant or successor(s) in interest or their contractor test the proposed water supply for the approved project for California Title 22 constituents for potable water supply and design and fund any necessary treatment and distribution facilities (including any connection to the Cal-Am system). The design for the new facilities will be submitted to Monterey County for review and approval, and no impacts will be allowed on biological resources. By the terms of this measure, the treatment and distribution facilities will be subject to all biological resources mitigation described in the Final EIR.

IMPACT PSU-8: MM PSU-3 requires that prior to construction, the Applicant or successor(s) in interest or their contractor will coordinate with the appropriate utility service providers and related agencies to avoid or reduce service interruptions. This will avoid the potential for a significant effect.

IMPACT PSU-C1: MMs PSU-2 and PSU-3 will reduce the approved project's contributions to cumulative impacts of infrastructure installation and potential service interruption to a less than considerable level.

- k) Cultural Resources. Ground disturbing activities such as grading, trenching, and excavation could potentially have an adverse effect on unknown archaeological resources. In addition, over time erosion or usage of the project site could expose buried archaeological resources, potentially to adverse effect.

IMPACT CR-2: MM CR-1 requires the Applicant or successor(s) in interest or their contractor to stop work if buried cultural deposits are encountered during construction activities and to implement treatment measures appropriate to the nature of the find as recommended by a qualified archaeologist. MM CR-2 requires that prior to the start of construction activities, the Applicant or successor(s) in interest or their contractor will obtain the services of an archaeological monitor who can identify resources and minimize impacts on buried deposits, if present. If human remains are encountered during construction, MM CR-3 will require that the Applicant or successor(s) in interest or their contractor notify the County Coroner immediately, as required by County Ordinance No. B6-18 and state law. This will ensure that the most likely descendent will be notified if any Native American remains are found, and that the remains will be treated with dignity. If

vertebrate fossils are discovered during construction, MM CR-4 will require that work will stop within a 100-foot radius of the find until a qualified professional paleontologist can assess the nature and importance of the find and recommend appropriate treatment. This measure makes the project proponent responsible for undertaking the recommended treatment.

IMPACT CR-3: If archaeological resources are uncovered as a result of long-term use of the project area, MM CR-5 requires that the Applicant or successor(s) in interest 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. This ensures that future discoveries of currently unknown resources will be mitigated.

IMPACT CR-C1: MMs CR-1 through CR-5 will reduce the approved project's contribution to any cumulative impacts on unknown cultural resources to a less than considerable level.

- 1) Greenhouse Gas Emissions and Climate Change. The approved project could result in project-related greenhouse gas emissions during construction and operation that could contribute to climate change impacts and be inconsistent with the goals of Assembly Bill 32 of 2006.

IMPACT GHG-1: MM GHG-1 will require the approved project's contractor to include specific BMPs in the project's construction specifications. To ensure that the BMPs are enforced, the Applicant or successor(s) in interest will be required to provide the County with proof that the BMPs are included in the specifications before the County will issue grading or building permits. Under MM GHG-2 the County will require that the Applicant or successor(s) in interest develop and implement a GHG Reduction Plan, subject to County review and approval, to reduce annual emissions of the approved project to 1,770 MTCO_{2e} per year. This measure will mitigate emissions to a less-than-significant level through a combination of specific design features (e.g., energy efficient buildings, renewable energy, water conservation, alternative transportation measures), tree replanting, and/or offset purchases sufficient to achieve necessary emission reductions. The County will apply this mitigation in whole or in phases, and the County would not approve the development without having an overall plan in place or a plan for the next phase of development in place. The measure will ensure that the approved project will not exceed the efficiency metric described in Chapter 3.13 *Greenhouse Gas* of the Final EIR.

10. 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, as further described in the evidence below. Specific economic, legal, social, technological, and other considerations, including provision of affordable housing opportunities for workers, make infeasible additional mitigation.

The impacts identified below are described in detail in the Final EIR certified for the Rancho Cañada Village Project, which is hereby incorporated by reference. Mitigation measures have been identified which reduce some of these impacts, but not to a level of insignificance. These mitigation measures are set forth in full in the Conditions of Approval/Implementation Plan/Mitigation Monitoring and Reporting Plan being adopted with this approval (Attachment 1 of Exhibit C).

- EVIDENCE:**
- a) The EIR identified potentially significant impacts to Land Use and Transportation and Circulation which could result from the 130-unit Alternative. The Land Use impact, discussed below, is significant due to resulting traffic impacts related to longer commutes. Mitigation measures have been identified which reduce some of these impacts, but not to a level of insignificance. These impacts are significant and unavoidable and will not be mitigated to a less than significant level.

 - b) Land Use. The RDEIR identified that without adoption of the proposed General Plan Amendment, modifying the affordability requirements of CVMP Policy CV-1.27, the 130-Unit Alternative project, while providing 20% of its housing in the form of affordable housing, would not be consistent with the 50% affordable/workforce housing requirement in 2013 Carmel Valley Master Plan (2013 CVMP) and 2010 General Plan Policy CV-1.27. The inconsistency with the 50% affordable/workforce housing requirement could result in longer employee commutes to Carmel Valley and the Monterey Peninsula and could contribute to traffic congestion along Carmel Valley Road and other roadway segments above the level-of-service standards in the 2013 CVMP. The Applicant has asserted that it is financially infeasible to provide 50% affordable/workforce housing through the 130-Unit Alternative project due to the significant reduction in units from that proposed by the 281 Project. Moreover, the applicant has stated that the adoption of the 190-new residential units cap in Carmel Valley (CVMP Policy CV-1.6) further impacts the ability to comply with affordable housing requirements, particularly since only 160 units remain available under the cap and since affordable units are not exempt from the cap. The applicant has further stated the intent to present evidence to the Board of Supervisors supporting the assertion of financial infeasibility prior to approval of the 130-unit Alternative; any such evidence provided by or on behalf of the applicant is hereby included by reference.

The 130-Unit Alternative will comply with the County’s Inclusionary Housing Ordinance by providing 25 Inclusionary units of rental affordable housing at Moderate income levels in the Carmel Valley/Greater Monterey Peninsula Planning Area—an area with a recognized need for affordable housing. 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. The Housing Element notes that as of September 2014 Carmel Valley had the County’s second highest median home sale price (\$772,500, Housing Element, Table 19), trailing only Pebble Beach. In terms of rental costs, the Housing Element notes that in 2015 Carmel Valley and the neighboring Del Monte Forest area had the highest rents in the County (Housing Element, p. 29 and Table 20, average 2015 monthly rental cost in Carmel Valley, \$2,581). Based upon the fact that rents in Carmel Valley and the adjacent Greater Monterey Peninsula Planning area are significantly higher than elsewhere in the County, resulting in housing which is not affordable to most County residents, the 130-unit Alternative will provide housing affordable to moderate income households. Additionally, based on the predominant type of housing proposed by the Alternative, that being condominiums, duet units (attached single-family residences) and small-lot single-family residential lots, the Alternative offers housing units that, while not all deed restricted to ensure affordability to particular income groups, will be relatively affordable in comparison to the typical large-lot, large single-family residences that characterize the area and make up a significant portion of the existing housing stock.

The 130-unit Alternative would also help to 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.” The 130-unit Alternative will assist in providing the jobs/housing balance in that it will provide housing affordable to the young professionals who work on the Monterey Peninsula and are trying to enter the housing market, as well as seniors or other residents looking to downsize from a larger single-family residence and move to a condominium, duet unit or small-lot single-family residence. By design, the Alternative provides housing opportunities targeting Workforce housing (household incomes 120%-180% of the County median) groups and young professionals who might otherwise not get into the Carmel Valley/Monterey Peninsula housing market. Because of the high cost of housing in the Carmel Valley, affordable housing cannot be developed at low densities typical of semi-rural residential development. By clustering development away from the Carmel River and out of the line of site of Carmel Valley Road, the 130-Unit Alternative achieves a compromise between the 2013 CVMP policies of maintaining rural character and providing affordable housing by providing 25 units of inclusionary housing at the moderate income level. The amendment to General

Plan/CVMP Policy CV-1.27 approved with this project will conform the Policy with the Affordable Housing Ordinance and better reflect the economic feasibility of providing affordable housing and resolve inconsistency of the project with the Carmel Valley Master Plan policy.

- c) Transportation and Circulation. The County imposes three mitigation measures on the 130-Unit Alternative for the purpose of reducing its traffic impacts. These are MM TR-1 (Contribute Fair Share to fund the CVTIP), MM TR-2 (Contribute Fair-Share Regional Impact Fee) and MM TR-3 (Develop and Implement a Construction Traffic Control Plan). Despite the inclusion of these measures, the 130-Unit Alternative would still result in significant, unavoidable impacts on transportation and circulation in the following subject areas:

- The 130-Unit Alternative would have a potentially significant impact at the unsignalized Laureles Grade and Carmel Valley Road intersection. MM TR-1 would help complete interchange improvements at the Laureles Grade/Carmel Valley Road intersection. With completion of proposed interchange improvements in the future, this impact will be reduced to a less-than-significant level. However, since this improvement relies on other sources of funds than just the Proposed Project, it may take considerable time to obtain full funding for its implementation and in the interim the impact at this location would be significant and unavoidable. Traffic generated by the 130-Unit Alternative is not responsible for the full impact that necessitates the interchange improvements. Based on the regulatory takings principles of “essential nexus” and “rough proportionality” set out in *Nollan v. California Coastal Commission* 483 U.S. 825 (1987) and *Dolan v. City of Tigard* 512 U.S. 687 (1994), respectively, the approved project cannot be required to pay for the full cost of the necessary improvements. The improvements will be installed once sufficient funds have been collected from contributing traffic generators. Therefore, mitigation of the interim impact is legally infeasible.

- The 130-Unit Alternative would add peak hour traffic to existing deficient segments of SR 1. RTP Project CT008, SR-1 Carmel Operational Improvement Project would improve the segment between Rio Road and Carmel Valley Road, but does not include any proposed widening of SR 1 north of Carmel Valley Road or south of Ribera Road. There is no other state, regional or local planning or financial support for widening this roadway along the other deficient segments. Based on the regulatory takings principles of “essential nexus” and “rough proportionality” set out in *Nollan v. California Coastal Commission* 483 U.S. 825 (1987) and *Dolan v. City of Tigard* 512 U.S. 687 (1994), respectively, the approved project alone cannot be required to pay for the cost of the necessary improvements to the other segments of SR1. No further mitigation is legally available.

- Construction traffic, in the context of failing operations under existing conditions at certain locations (such as along SR 1 and at the Laureles/SR 68 intersection), would result in a significant impact. MM TRA-3 would reduce construction period impacts, but would not avoid all contributions to locations with existing failing traffic operations and the impact would be significant and unavoidable. Mitigation of this impact would require permanent road improvements at the failing intersections. The impact of temporary construction traffic does not provide an essential nexus for permanent improvements and further mitigation is not legally available under *Nollan v. California Coastal Commission* 483 U.S. 825 (1987).

- In addition to the above, the approved project would contribute to cumulative impacts related to LOS decreases at the unsignalized Carmel Rancho Blvd/Rio Road intersection; the signalized SR 1/Carpenter Street, SR 1/Ocean Avenue, Carmel Valley Road/Rancho San Carlos, and Carmel Valley Road/Carmel Rancho Blvd. intersections; peak hour LOS decreases for various segments of SR 1 and of Carmel Valley Road; and exceedance of average daily traffic thresholds on segments of Carmel Valley Road. These LOS decreases and exceedances of thresholds result from the combined contributions of past, present, and reasonably probable future projects. Addressing LOS impacts for SR1 and Carmel Valley Road would require widening, which has been rejected by the community in the past, and is not currently proposed by the County or Caltrans accordingly. Under the *Nollan v. California Coastal Commission* 483 U.S. 825 (1987) and *Dolan v. City of Tigard* 512 U.S. 687 (1994) decisions, the approved project cannot be required to contribute more than its fair share of the mitigation necessary to avoid these cumulative impacts. MM TR-1 and MM TR-2 represent that fair share to planned improvements. No additional mitigation is, therefore, legally available.

11. FINDING: ALTERNATIVES TO THE PROPOSED PROJECT - The EIR evaluated a reasonable range of potentially feasible alternatives to the proposed project in compliance with CEQA Guidelines section 15126.6. The EIR considered the alternatives described below and as more fully described in the RDEIR. The 130 unit Alternative which the Board is approving is the environmentally superior alternative identified by the EIR. Specific economic, legal, social, technological, or other considerations make infeasible the other project alternatives identified in the EIR for the reasons described below.

EVIDENCE: a) In addition to the 130-unit Alternative, which has been selected as the approved project, six additional alternatives to the original Project were considered in the RDEIR. They are: 1) No Project Alternative; 2) East Golf Course Alternative; 3) Medium- Density Alternative (186 units); 4) Low-Density Alternative (40 units); 5) Rio Road Extension Emergency Access-Only Alternative; and 6) Stemple Property Avoidance Alternative. The East Golf Course Alternative was

analyzed in the Draft EIR. However, since preparation of the Draft EIR, the East Golf Course has been acquired by the Trust for Public Land for permanent park and open space purposes and is therefore unavailable for development. Accordingly, that alternative is legally and practically infeasible, and the Final EIR no longer includes this among the alternatives analyzed. As a result, the East Golf Course Alternative is not discussed further in these findings.

- b) **Originally Proposed Project (281 units).** The originally Proposed Project includes 281 residential units, 151 units more than the approved 130-Unit Alternative and would therefore comparatively worsen, not avoid, many of the approved project's resource impacts, such as traffic. This alternative would not be consistent with the 2013 CVMP quota of 190 units, of which only 160 remain (24 of the 190 units are reserved for the Delfino property and 6 units have been accounted for in previous approvals), so this alternative would require an increase to the CVMP Policy CV-1.6 residential unit cap. The 190-unit cap was instituted as a result of settlement ~~a~~ of litigation and retaining the cap avoids unnecessary controversy over the maximum level of residential development that is allowable within the CVMP area and avoids potential renewal of litigation under the settlement agreement. From a policy standpoint, the Proposed Project is not acceptable because it does not comply with the CVMP unit cap. A further reason for rejection is that it would not substantially reduce any of the key impacts of the approved project; specifically, it would not reduce traffic impacts. While the originally Proposed Project would comply with CVMP Policy CV-1.27 regarding the 50% affordable/workforce housing requirement (unlike the 130-unit Alternative), given that the traffic impacts with the originally Proposed Project would be worse than the 130-unit Alternative, and that traffic has been a long-standing concern within the CVMP, the originally Proposed Project is also rejected specifically because of its significant unavoidable traffic impacts.
- c) **No-Project Alternative.** The No Project Alternative would result in just that, no project; the site would remain the former West Golf Course (the East Golf Course ceased operation earlier this year) of the Rancho Canada Golf Club and no development, residential or otherwise, would occur. This alternative would not meet any of the project objectives and is therefore rejected for social reasons.
- d) **Medium-Density (186 units) Alternative.** The Medium-Density Alternative includes 186 residential units, 56 more than the approved 130-Unit Alternative and would therefore comparatively worsen, not avoid, many of the approved project's resource impacts, such as traffic. This alternative would not be consistent with the 2013 CVMP quota of 190 units, of which only 160 remain (24 of the 190 units are reserved for the Delfino property and 6 units have been accounted for in previous approvals), so this alternative would require an increase to the CVMP Policy CV-1.6 residential unit cap. The 190-unit cap was

instituted as part of a settlement agreement and retaining it avoids unnecessary controversy over the maximum level of residential development that is allowable within the CVMP area. From a policy standpoint, the Medium- Density Alternative is not acceptable because it does not comply with the CVMP unit cap. A further reason for rejection is that it would not substantially reduce any of the impacts of the approved project.

- e) Low-Density Alternative. The Low-Density Alternative includes 40 new lots/residences and assumes the same amount of open space (approximately 40 acres) proposed by the approved project would be retained. This alternative would include 7 affordable units, substantially fewer new housing opportunities than the approved 130-unit Alternative. 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, including Carmel Valley. In particular, based on September 2014 data, Carmel Valley had the second highest median home sale price in the County, after Pebble Beach. With regard to rental housing, in 2015, Carmel Valley Village (the Alternative project site is located west of Carmel Village, but faces equal housing affordability constraints) along with the neighboring Del Monte Forest had the County’s highest rental housing costs. The 7 or 8 affordable units proposed with the Low-Density Alternative would be, as a matter of policy, a lost opportunity to obtain a greater number of affordable units while staying within the CVMP Policy CV-1.27 unit cap. The alternative is, therefore, rejected on the ground- that it does little to address housing affordability in Carmel Valley and the Greater Monterey Peninsula Area.
- f) Rio Road Extension Emergency Access-Only and Stemple Property Avoidance Alternatives. The Rio Road Extension Emergency Access-Only and Stemple Property Avoidance Alternatives considered minor changes to the Project related to limiting vehicular access (Rio Road) and the exclusion of a small, oddly-shaped property (Stemple) on the approved project’s northern boundary. Neither of these alternatives would result in any significant differences from the approved 130-Unit Alternative, which incorporates the defining elements of both these alternatives into its design (i.e., Rio Road would be used only for pedestrian, bicycle and emergency vehicle access and the Stemple Property is not included). These alternatives are rejected because they are not substantively different than the approved project.

12 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 Board of Supervisors has weighed the economic, legal, social, technological, and other benefits, including region-wide and statewide environmental benefits, of the approved 130-Unit Alternative against its unavoidable

significant environmental impacts in approving the Alternative. Each benefit set forth below constitutes an overriding consideration warranting its approval, independent of other benefits, despite each and every unavoidable impact.

- EVIDENCE:** a) The approved 130-Unit Alternative will result in development that will provide benefits described herein to the surrounding community and the County as a whole. Any one of the facts listed below would be sufficient, in balancing the public good in approving this project against the unavoidable significant impacts identified, 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 Alternative provides housing in an area of limited new home construction and provides a range of housing types, such as small lot single-family, duet units (attached single-family residences) and condominium units that are not typical of the Carmel Valley area and are relatively more affordable in comparison to the typical large-lot (one acre or more) single-family residences and ranch homes that characterize Carmel Valley. 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 2015–2023 County of Monterey Housing Element Update, adopted by the Board of Supervisors on January 26, 2016 and certified by HCD on May 10, 2016, identifies a shortage of affordable housing in the unincorporated areas of the County. In particular, Carmel Valley had the second highest median home sale price (\$772,500), trailing only Pebble Beach, in September 2014. In 2015, with regard to rentals, Carmel Valley Village (the Alternative project site is located west of Carmel Village but faces equal housing affordability issues) and the neighboring Del Monte Forest area had the County’s highest rental housing costs. The project will provide 25 inclusionary units of rental affordable housing at moderate income levels in the Carmel Valley/Greater Monterey Peninsula Planning Area—an area with a recognized need for affordable housing within the moderate income range. Based upon the fact that the rents in the Greater Monterey Peninsula Planning area are higher, often significantly higher, than elsewhere in the County, resulting in housing which is not affordable to the majority of County residents, this project will provide housing affordable to moderate income households. 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, as the project will provide housing affordable to the young professionals who work on the Monterey Peninsula and are trying to enter the housing market, as well as seniors or other residents looking to downsize from a larger single-family

residence and move to a condominium, duet unit or small-lot single-family residence. The 130-Unit Alternative provides housing opportunities for targeted workforce housing groups and young professionals who may not otherwise be able to access the Carmel Valley/Monterey Peninsula housing market.

- ii. The Alternative will permanently preserve approximately 40 acres of open space within the 81.7-acre project site. The open space would consist of naturally-landscaped areas and ponds/drainage basins adjacent to the Carmel River. Without approval of the project, the imminent closure of the golf course would leave this area's future use uncertain. The Alternative includes a condition of approval requiring the Applicant or successor(s) in interest to place the majority of the area in permanent conservation easement or to actively protect and manage the area as habitat.
- iii. The Alternative will install new trails open to the general public and strengthen connections to existing open space areas, including Palo Corona Park. Given the recent acquisition of the East Course by the Trust for Public Lands for park and open space uses, the open space included in the Alternative can serve as key connection between existing open space areas, such Palo Corona Park and the Trust for Public Lands site.
- iv. The Alternative will create economic benefits to the County and the local economy through the creation of temporary construction jobs and the creation of new property tax revenue through higher property valuation. The latter is of particular importance due to Proposition 13's limitation on increasing the assessed valuation of existing property. 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 greater familiarity with current codes that will better prepare and serve them on future work.
- v. The Alternative would reduce baseline consumptive water use on average by 23 percent which will be a benefit to the Carmel River and its biological resources. In addition, separate from any CEQA requirement, the Applicant proposes to make a separate dedication of water to the Carmel River for instream purposes that would provide downstream benefits to habitat.
- vi. The Alternative includes flood control and drainage improvements unrelated to CEQA impacts. The first element 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, lessening storm water-related flood impacts in the area. The second element is the

installation of a large culvert (10' x 12') along the site's western edge that would address localized drainage. The third element is the completion of the so-called tieback levee, which will help to control riverine flooding in the CSA 50 area. These improvements, although not required to mitigate environmental impacts of the 130-unit Alternative, would help to better manage both riverine and storm water-related flooding for properties at the mouth of the Valley.

- b) ~~No consultation required under Assembly Bill 52 (AB52) was conducted with a Native American Tribe relative to Tribal Cultural Resources because the Notice Of Preparation (NOP) for this project was issued on August 30, 2006 and was available for public review until September 29, 2006. The requirement for tribal consultation pursuant to AB52 is for projects that had a NOP issued on or after July 1, 2015.~~
- e) ~~All project changes and feasible mitigation measures 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 into an "Agreement to Implement a Mitigation Monitoring and/or Reporting Plan" as a condition of project approval.~~
- d) ~~Pursuant to CEQA Guidelines Section 15088(b), the County notified those public agencies that submitted comments on the RDEIR that a FEIR is available for review and provided the proposed responses to the public agencies comments at least 10 days prior to the Board of Supervisors' consideration of the FEIR.~~
- e) ~~Evidence that has been received and considered includes: the application, technical studies/reports, staff report that reflects the County's independent judgment, and information and testimony presented during public meetings and hearings (as applicable).~~
- f) ~~Monterey County Resource Management Agency (RMA) Planning, located at 168 W. Alisal, 2nd Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to certify the Final EIR will be based.~~

13. FINDING: MITIGATION MONITORING PROGRAM - Per Public Resources Code section 21081.6 and the County-adopted Condition of Approval and Mitigation Monitoring and Reporting Program (MMRP), 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 in order to mitigate or avoid significant effects on the environment.

EVIDENCE: a) The mitigation measures identified in the FEIR will be incorporated as

conditions of approval and are attached and incorporated into this resolution approving 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.

14. FINDING:

RECIRCULATION NOT REQUIRED – No new significant information has been added to the FEIR since circulation of the RDEIR that would require recirculation. 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 alternative or mitigation measure, considerably different from others previously analyzed, that clearly would lessen the significant environmental impacts of the project, but that the project’s proponents decline to adopt; or
- 4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

No such significant new information has been added.

EVIDENCE:

- a) Per Section 15088.5(b) of the CEQA Guidelines, recirculation of the draft EIR is not required where the new information merely clarifies, amplifies or makes minor modifications to an adequate EIR. The information provided since the draft EIR meets those criteria.
- b) All the text revisions to the draft EIR and revisions to mitigation measures since the DEIR provide clarification and additional detail. The changes do not result in a new significant impact or substantial increase in the severity of an environmental impact and therefore recirculation is not required.

15. 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 DEIR. 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 to the Monterey County Clerk/Recorder for processing said fee and posting the Notice of Determination (NOD).

- b) The application, plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN 040061.
- e) ~~Pebble Beach Company Inclusionary Housing Project Final EIR.~~

16. 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 Alternative includes the removal of up to 435 trees (139 being native trees, including Cottonwood, Sycamore, 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 (2006) and incorporated into the Environmental Impact Report prepared for the project. The 130-unit Alternative is subject to Mitigation Measures BIO-4, BIO-5 and BIO-6.
 - c) The project site consists of approximately 81.7 acres of land used as a golf course for over 40 years. The southern portion of the property, adjacent to the Carmel River, includes more mature trees and natural terrain, but is still part of the West Course of the Rancho Canada Golf Club. As proposed, the development would result in the removal of approximately 435 trees, 139 of these being native trees. As described in the EIR as part of the proposed habitat restoration, the 2006 Restoration Plan includes the replanting of 1,286 riparian woodland trees, including box elder, red alder, dogwood, Western sycamore, black cottonwood, Arroyo willow and elderberry. This replanting results in a significant increase of total trees (nearly a three-to one ratio) within the habitat area of the site and features native species suited to the riparian environment.

17. FINDING: ~~LONG-TERM SUSTAINABLE WATER SUPPLY AND ADEQUATE WATER SUPPLY SYSTEM~~—~~The project has a long-term, sustainable water supply, both in quality and quantity, and~~

- an adequate water supply system to serve the development as required by General Plan Policies PS 3.1 and PS 3.2, respectively.
- EVIDENCE:**
- a) ~~The new development will use or require the use of water. The 130 residential units and associated facilities will use approximately 70 acre feet per year (AFY) of water and up to 60 AFY is proposed to be transferred to Cal-Am users through a subsequent permit issued by the Monterey Peninsula Water Management District. (MPWMD)~~
 - d) ~~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 130-unit Alternative 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. In regards to quality, the 130-unit Alternative would draw water from the same location that Cal-Am currently draws water to serve its customers. Regardless of the mode of water delivery for the proposed residential use (Cal-Am distribution system or a separate community services district or mutual water company), the water can be treated to all regulatory standards just like the water being drawn at present from Cal-Am wells on the Rancho Canada Golf Course property and in nearby adjacent areas. Thus, the water source is of an acceptable water quality.~~
 - e) ~~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 the FEIR 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: If the project is served by Cal-Am, it has proven capabilities to deliver water. If a separate water system is proposed, the Project Applicant will be required to obtain all necessary permits for the separate water delivery system and to demonstrate to the County's satisfaction that the water delivery system can deliver water consistently and perpetually to the project. With mitigation, the project's water supply can meet this criteria.*~~
 - ~~—*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 either the Project or Alternative. The Applicant is also seeking to obtain an appropriative right from the SWRCB in order to facilitate the proposed water transfer.

—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 baseline 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 by either the Project or the Alternative.

~~—With proposed Mitigation Measure PS-1 to ensure delivery of the project's water supply and constrain it to a maximum of the amounts estimated in this EIR, the Proposed Project or the 130-unit Alternative 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.~~

17
8.

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 the findings can be made.

EVIDENCE:

- a) The Alternative includes a General Plan text Amendment to Policy CV-1.27 modifying the percentage of affordable/workforce housing required from 50% to 20% affordable ensuring consistency with the General Plan. The Alternative is consistent with other pertinent General Plan policies, as discussed in detail in Finding 2 (General Plan). ~~T~~The Alternative is not included in any specific plan. [A Specific Plan drafted as part of the initial application was abandoned as it is not needed with the Special Treatment Area \(STA\) policy \(Policy CV-1.27\) included with the 2010 General Plan.](#)
- b) The design and improvements included in the Alternative are consistent with the General Plan, which allows for residential land use at the site and the design provides improvements relative to flood control and drainage that provide benefits to surrounding properties.
- c) The site is physically suitable for the type of development at the density proposed in that residential development. [Policy CV-1.27 \(STA\) allows up to a maximum of 10 units/acre for up to 40 acres. is allowed and](#) ~~T~~he Alternative proposes a residential density of 4.56 units/acre for a [40-acre](#) ~~the~~ portion of the site being developed for residential use. [The](#)

~~remainder of the property would be;~~ while retained~~ing~~ and enhanced~~ing~~
~~as an open space area of approximately 40 acres.~~

- d) The Alternative will not cause substantial environmental damage or result in damage to fish and wildlife and their habitats but, conversely, will provide environmental and habitat benefits through the restoration of habitat areas on the southern portion of the site, adjacent to the Carmel River. The residential and open space uses proposed are compatible with surrounding residential, open space and institutional (i.e., school, church) uses and the Alternative not result in any serious public health problems.
- e) The Alternative does not conflict with easements or access acquired for the public; conversely, the Alternative will enhance public access through an expanded trail system open to the general public and will grant an easement to improve offsite drainage, benefiting neighboring properties in the vicinity. Additionally, the Alternative includes a new pedestrian and bicycle access to the west which also allows for emergency vehicle access.

18
9.

FINDING:

INCLUSIONARY HOUSING: ~~±~~The Alternative complies with the Inclusionary Housing Ordinance requirement to provide a minimum of 20% onsite affordable housing units. (MCC, Chapter 18.40) Unusual circumstances exist making it appropriate to modify the requirements of the Inclusionary Ordinance so that 20% Moderate-income housing, as proposed by the Alternative, is allowed in-lieu of the 8% Moderate-income, 6% Low-income and 6% Very Low-income.

EVIDENCE

- a) The Alternative project proposes to construct 25 rental units affordable to moderate-income households only (no on-site units for low or very low income levels are proposed). ~~The applicant has stated~~ ~~±~~The Alternative project proposes to construct 25 rental units affordable to moderate-income households only (no on-site units for low or very low income levels are proposed). The applicant has stated that due to the significant reduction in units proposed between the Project and the Alternative it is not financially feasible to comply with the Inclusionary Ordinance’s requirements, particularly related to providing low and very low-income units.
- b) Section 18.40.050.B.2 of Monterey County Code allows the Board of Supervisors to modify the requirements of the Inclusionary Housing ordinance upon a finding that “as a result of unusual or unforeseen circumstances, it would not be appropriate to apply, or would be appropriate to modify, the requirements” of Chapter 18.40.

19.
20.

FINDING:

PROCEDURAL BACKGROUND: The application has been processed in accordance with state law and County regulation, and the applicant and all interested persons have been afforded due process.

- EVIDENCE**
- a) The project was referred to the Carmel Valley Land Use Advisory Committee (LUAC) for review on ~~three occasions:—~~May 2004 to consider the (original 281-unit Project ~~only~~); On September 21, 2015 and February 1, 2016 ~~meetings. At both the September 21 and February 1 meetings~~ the 130-unit Alternative 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 1 meeting (continued from September 15, 2015), the LUAC voted to not provide a recommendation to the Planning Commission and Board of Supervisors regarding the RCV Project or Alternative based on the RDEIR not being completed and available for their review. Similarly, when the 281-unit Project was presented to the LUAC in May 2004, the LUAC voted to not make a recommendation due to the unavailability of the DEIR.
 - b) The Project and Alternative were presented to the Housing Advisory Committee (HAC) at its March 9, 2016 meeting. Both the applicant and County staff attended the HAC meeting, presented information and responded to questions from HAC members. The HAC's discussion focused on the proportion of affordable units that should be required of the 130-unit Alternative, but ultimately, after three separate motions, the HAC did not provide a recommendation due a lack of majority on the motions. The HAC confirmed its action at an April 2016 meeting.
 - c) ~~↪~~The Monterey County Planning Commission held a noticed workshop on the RCV Project and Alternative on September 14, 2016. Staff presented the project and DEIR. Comments received on the DEIR were summarized for the Commission.
 - d) On November 16, 2016, the Monterey County Planning Commission held a duly noticed public hearing to consider making a recommendation to the Board of Supervisors on certification of the Final EIR, adoption of the General Plan amendment and rezoning, and approval of the project. The Planning Commission voted 4 to 3 to recommend the Board of Supervisors certify the FEIR, approve the General Plan amendment and rezoning, and approve the 130 unit Alternative. Pursuant to Government Code section 65354, an affirmative vote of the majority of the total membership of the Planning Commission is required to recommend approval of a General Plan Amendment. A motion recommending Board approval of the project as listed above received a 4-3 vote from the Planning Commissioners present, which does not constitute a majority of the total Commission membership. Therefore, a separate vote was taken on the General Plan amendment and a separate resolution was prepared indicating that the motion to recommend approval of the General Plan amendment failed. (Planning Commission Resolution Nos. ~~156-028~~ & 16-029.

- e) On December 13, 2016, the Board of Supervisors held a duly noticed public hearing to consider certification of the Final EIR, adoption of the General Plan amendment and rezoning, and approval of the RCV Project or the 130 unit Alternative.

DECISION

NOW, THEREFORE, based on the above findings and evidence and the administrative record as a whole, the Board of Supervisors of the County of Monterey does hereby:

1. Certify that the foregoing recitals are true and correct;
2. Certify that: the Rancho Canada Village Final Environmental Impact Report (FEIR) (SCH#: 20006081150) has been completed in compliance with CEQA; the FEIR was presented to the Board of Supervisors and the Board of Supervisors reviewed and considered the FEIR prior to approving the project; and the FEIR reflects the County's independent judgment and analysis;
3. Adopt the above CEQA findings for approval of the project and adopt the findings and the Statement of Overriding Considerations set forth above;
4. Amend the text of General Plan Policy CV-1.27 as follows (changes shown in strikethrough/italics):

Special Treatment Area: Rancho Canada Village – Up to 40 acres within properties located generally between Val Verde Drive and the Rancho Canada 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). (APN: 015-162-017-000, 015-162-025-000, 015-162-026-000, 015-162-039-000 and 015-162-040-000, 015-162-033-000, 015-162-035-000, 015-162-036-000, 015-162-037-000, 015-162-038-000, 015-021- 005-000)

5. Approve the Combined Development Permit for the Rancho Canada Village Subdivision Project 130-unit Alternative, consisting of a:
 - a. A Vesting Tentative Subdivision Map for the 130-unit Alternative, subdividing 81.7 acres into 130 residential lots, common areas and roadways and a 39.4-acre open space lot in general conformance with the attached Vesting Tentative Map (Attachment 2);and ;
 - b. Associated Use Permits, as follows ~~Combined Development Permit 1) a Use Permit~~ for development in the Carmel River Floodplain; 2) Use Permit- to allow the tree-removal of up to, allowing the removal of up to 139 native trees; and Use Permit for development within the site plan review zoning district to include grading and infrastructure installation, including installation of a below-grade drainage pipe and culvert to improve area-wide flood control and drainage, subject to 11235 conditions, all being attached hereto as Attachment Exhibit 1 and incorporated herein by reference; and

6. Adopt the Mitigation Monitoring and Reporting Plan attached hereto as Exhibit 1 and incorporated herein by reference.

PASSED AND ADOPTED this 13th day of December, 2016, upon motion of Supervisor _____, seconded by Supervisor _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book _____ for the meeting on _____.

Dated: _____ Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By _____
_____, Clerk of the Board

COPY OF THIS DECISION MAILED TO APPLICANT ON _____.

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

NOTES

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

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

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

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

Monterey County RMA Planning

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

PLN040061

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The Rancho Canada Village Ventures Combined Development Permit (PLN040061) allows: 1) A Vesting Tentative Map for a 130 unit subdivision consisting mostly of single family attached and detached lots along, with 12 condominium units, and a 4.6 acre non contiguous parcel; 2) A Use Permit to allow development in the Carmel River floodplain; 3) A Use Permit to allow the removal of up to 435 trees; 4) A Use Permit for Development within the site plan review zoning district. The property is approximately 81.7 acres located at 4860 Carmel Valley Road; the West Course of the Rancho Canada Golf Club (Assessor's Parcel Numbers 015-162-009-000; 015-162-016-000; 015-162-017-000; 015-162-025-000; 015-162-026-000; 015-162-027-000; 015-162-033-000; 015-162-039-000; 015-162-040-000; 015-162-041-000; 015-162-042-000; 015-162-043-000; 015-162-045-000; 015-162-046-000; and 015-162-047-000), Carmel Valley Master Plan area. 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 use 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 Director of RMA - 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" and "property owner" means the Rancho Canada Venture LLC and its successors in interest. (RMA - 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.

Compliance of conditions related to the subdivision map shall occur prior to recordation of the first phased final map unless the Director of RMA authorizes compliance prior to a later phase.

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 and Vesting Tentative standard subdivision (Resolution Number 16-028) was approved by the Board of Supervisors for Assessor's Parcels 015-162-009-000; 015-162-016-000; 015-162-017-000; 015-162-025-000; 015-162-026-000; 015-162-027-000; 015-162-033-000; 015-162-039-000; 015-162-040-000; 015-162-041-000; 015-162-042-000; 015-162-043-000; 015-162-045-000; 015-162-046-000; and 015-162-047-000 on December 13, 2016. The permit was granted subject to 111 conditions of approval which run with the land. Property owners are responsible for compliance with these conditions as they pertain to their parcel. A copy of the permit is on file with Monterey County RMA - Planning." (RMA - Planning)

Compliance or Monitoring Action to be Performed: Upon recordation of each Final Map, the Owner/Applicant shall provide proof of recordation of this notice on each newly created development parcel with the approved conditions to the RMA - 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. (RMA - 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 Director of RMA - 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 Director of RMA - Planning prior to the recordation of the final/parcel map, the start of use, or the issuance of building permits or grading permits, whichever is first

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. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Within sixty (60) days after project approval or prior to the recordation of the first phased Final Map, 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)
- 3) Fees shall be submitted at the time the property owner submits the signed Agreement.
- 4) Proof of recordation of the Agreement shall be submitted to RMA-Planning.

5. PD011 - TREE AND ROOT PROTECTION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Trees which are located close to construction sites and are not designated for removal 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 RMA - Director 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. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to issuance of any grading and/or building permit, the Owner/Applicant shall submit evidence of tree protection to RMA-Planning for review and approval. This condition is on-going until every parcel is developed.

6. PD013 - STREET LIGHTING

Responsible Department: RMA-Planning

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

Compliance or Monitoring Action to be Performed: Prior to accepting any phased Final Map, a concept street lighting plan shall be approved by the Director of Planning. Improvements shall either be installed or bonded through a Subdivision Improvement Agreement.

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&R's stating that the following reports have been prepared for the Rancho Canada Village project:

- Geotechnical Reports;
- Hydrogeological 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 RMA - Planning. Recommendations contained in said reports shall be followed in development of this property.
(RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to recordation of any phased final map, the Owner Applicant shall submit the final map with notes to the RMA - Planning and RMA - Public Works for review and approval. The note shall be located in a conspicuous location, subject to the approval of the County Surveyor.

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 December 13, 2019 unless the first phased Final Map has been filed. (RMA-Planning)

Compliance or Monitoring Action to be Performed: Prior to the expiration date stated in the condition, the Owner/Applicant shall file the first phased Final Map. Any request for extension must be received by RMA-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 final map or a separate sheet to be recorded with 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 Director of RMA-Public Works. (RMA - 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 RMA - 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

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)

Compliance or Monitoring Action to be Performed: Upon demand of County Counsel or concurrent with recording of the first phased final map, whichever occurs first and as applicable, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the County Counsel for review and signature by the County.

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

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. (RMA-Environmental Services)

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

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. (RMA – Environmental Services)

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

13. GEOTECHNICAL CERTIFICATION

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall provide certification from a licensed practitioner that all development has been constructed in accordance with the recommendations in the project Geotechnical Report. (RMA- Environmental Services)

Compliance or Monitoring Action to be Performed: Prior to final inspection of a construction permit, the owner/applicant shall provide RMA-Environmental Services a letter from a licensed practitioner.

14. GEOTECHNICAL REPORT

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall submit a geotechnical report with project specific recommendations. The report shall include data regarding the nature, distribution, and strength of existing soils, as well as, a description of the site geology and any applicable geologic hazards. (RMA – Environmental Services)

Compliance or Monitoring Action to be Performed: Prior to issuance of any grading or building permits, the applicant shall submit a geotechnical report to RMA-Environmental Services for review and approval.

15. GRADING PLAN

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall submit a grading plan incorporating the recommendations from the project geotechnical report. The grading plan shall include contour intervals and cross-sections that identify the existing grade, proposed grade, and the extent of any proposed excavation and/or fill. The grading plan shall include the geotechnical inspection schedule that identifies when the inspections will be completed, who will conduct the inspection (i.e., PG, PE, and/or Special Inspector), a description of the required inspection, inspector name, and the completion date. The applicant shall also provide certification from the licensed practitioner that the grading plan incorporates their geotechnical recommendations. (RMA-Environmental Services)

Compliance or Monitoring Action to be Performed: Prior to issuance of any grading or building permits, the applicant shall submit a grading plan to RMA-Environmental Services for review and approval.

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

16. INSPECTION-DURING ACTIVE CONSTRUCTION

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall install drainage devices, maintain required BMPs, and assure that pollutants of concern are not discharged from the site. (RMA – Environmental Services)

Compliance or Monitoring Action to be Performed: Prior to issuance of any grading or building permits, this inspection requirement shall be noted on the Erosion Control Plan. At the time of the inspection, the applicant shall provide certification that all necessary geotechnical inspections have been completed to that point.

During construction, the applicant shall schedule an inspection with RMA-Environmental Services.

17. INSPECTION-FOLLOWING ACTIVE CONSTRUCTION

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall ensure all disturbed areas have been stabilized and all temporary erosion and sediment control measures that are no longer needed have been removed. (RMA – Environmental Services)

Compliance or Monitoring Action to be Performed: Prior to issuance of any grading or building permits, requirements for an inspection by RMA-Environmental Services shall be noted on the Erosion Control Plan.

Prior to final inspection of a construction permit, all disturbed areas shall be stabilized and all temporary erosion and sediment control measures removed to the satisfaction of RMA-Environmental Services.

18. INSPECTION-PRIOR TO LAND DISTURBANCE

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall ensure all necessary sediment controls are in place and the project is compliant with Monterey County regulations. (RMA – Environmental Services)

Compliance or Monitoring Action to be Performed: Prior to issuance of any grading or building permits, requirements for an inspection by RMA-Environmental Services shall be noted on the Erosion Control Plan.

Prior to commencement of any land disturbance, the owner /applicant shall schedule an inspection with RMA-Environmental Services.

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 District

Compliance or Monitoring Action to be Performed: Prior to recordation of any phased Final Map, the Applicant shall incorporate the specification of the roadway into design and print the text of this condition as Fire Department Notes on Final Map.

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

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 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.

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 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.

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, ½-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 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 and on any Final Map.

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 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.

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 District

Compliance or Monitoring Action to be Performed: Prior to recordation of any phased Final Map, the Applicant shall incorporate this condition and its requirements as Fire Department Notes on Final Map.

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 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.

26. FIRE015 - FIRE HYDRANTS/FIRE VALVES

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 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.

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 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.

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 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 improvements.

29. EHSP01 - WATER SYSTEM ALTERNATIVES (NON-STANDARD)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: The project includes three alternatives for domestic water service. Water for the new lots would be supplied by one of the following:

Alternative A: On-site wells and creation of a public water system; or

Alternative B: Individual meters at each home served by Cal-Am Water Company-Monterey water system; or

Alternative C: A single, master meter served by Cal-Am Water Company-Monterey water system and creation of a public water system to serve each individual lot.

The applicant will be required to comply with the conditions applied to the water system alternative that is ultimately pursued.

Compliance or Monitoring Action to be Performed: Prior to recordation of the first final map, the applicant shall comply with all conditions applicable to the water system alternative that is ultimately pursued.

30. EHSP02A - WATER SYSTEM PERMIT: ALTERNATIVE A (NON-STANDARD)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: If the applicant elects to pursue water system Alternative A, the applicant shall demonstrate to the satisfaction of the Environmental Health Bureau (“EHB”) that the on-site well(s) proposed to serve a new public water system meet minimum water quality, quantity and construction requirements. The applicant shall apply for a water system permit from the EHB and pay applicable fees.

Compliance or Monitoring Action to be Performed: Prior to recordation of the first final map, the applicant shall submit water quality analysis, source capacity documentation and well construction documentation for the well(s) proposed to serve the public water system. The applicant shall apply for and obtain a water system permit from the EHB and pay all applicable fees.

31. EHSP02B – WATER SYSTEM PERMIT: ALTERNATIVE B (NON-STANDARD)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: If the applicant elects to pursue water system Alternative B, it is not necessary to amend the Cal-Am Water Company – Monterey water system permit.

Compliance or Monitoring Action to be Performed: Prior to recordation of the first final map, the applicant shall provide documentation to the satisfaction of the Environmental Health Bureau (“EHB”) that the project will be served by Cal-Am Water Company – Monterey water system and specify that each lot will be provided an individual meter.

32. EHSP02C – WATER SYSTEM PERMIT: ALTERNATIVE C (NON-STANDARD)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: If the applicant elects to pursue Alternative C, the applicant shall apply for a public water system permit from the Environmental Health Bureau and pay applicable fees.

Compliance or Monitoring Action to be Performed: Prior to recordation of the first final map, the applicant shall apply for and obtain a public water system permit from the Environmental Health Bureau and pay applicable fees.

33. EHSP03AC- DESIGN WATER SYSTEM IMPROVEMENTS: ALTERNATIVE A OR C (NON-STANDARD)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: If the applicant elects to pursue either Alternative A or C, 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 Environmental Health Bureau (“EHB”) for review and approval.

34. EHSP03B - DESIGN WATER SYSTEM IMPROVEMENTS: ALTERNATIVE B (NON-STANDARD)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: If the applicant elects to pursue Alternative B, 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 Environmental Health Bureau ("EHB") and Cal-Am Water Company – Monterey water system for review and approval. Submit evidence of approval by Cal-Am Water Company – Monterey water system to EHB.

35. EHSP04 – INSTALL OR BOND WATER SYSTEM

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 from Drinking Water Protection Services of the Environmental Health Bureau.

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. EHSP05 - 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 approval. Submit a set of signed or wet-stamped water system plans approved by the local fire protection agency to the Environmental Health Bureau for review and acceptance.

37. EHSP06 - WELL AND WATER SYSTEM EASEMENTS (NON-STANDARD)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: The Final Map shall denote the proposed well easement (s), water distribution and tank easement(s), and access easement(s) for the water system to the Environmental Health Bureau for review and approval. Once approved, 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 approval.

38. EHSP07 – 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 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 to be 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. EHSP08 – 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 approved by the Carmel Valley 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 approval. Submit evidence to the EHB that plans have been reviewed and approved by CAWD.

40. EHSP09 – 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. 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 RMA-Public Works and/or the Monterey County Water Resources Agency and shall be incorporated in the improvement plans.

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 RMA-PW.

42. 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 the RMA-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 RMA-PW.

43. 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.

44. 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.

45. 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.

46. 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.

47. PW0021 - ROAD NAMES

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: Submit all proposed road names to RMA-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 RMA-PW. RMA-PW will submit to County Communications for Approval.

48. PW0030 - HOMEOWNERS ASSOCIATION

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: Form a homeowners association 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 RMA-PW and WRA for formation of homeowners association or other entity to maintain roads and drainage improvements.

49. PW0032 - AS BUILT PLANS

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: A Registered Civil Engineer shall file as built plans (originals) in the Department 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 RMA-PW for review and approval.

50. 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.

51. 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 RMA-PublicWorks.

Compliance or Monitoring Action to be Performed: Prior to building/grading permit issuance, the owner/applicant shall submit improvement plans for RMA-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.

52. PWSP02 – ENCROACHMENT NON-STANDARD

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: Obtain an encroachment permit from the RMA-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 RMA-Public Works and complete improvement prior to occupying or commencement of use. Applicant is responsible to obtain all permits and environmental clearances.

53. PWSP03 – SUBDIVISION IMPROVEMENTS

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: Prepare detailed improvement plans for approval by the RMA. 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 the RMA 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.

54. PWSP04 – DRAINAGE IMPROVEMENTS

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: The applicant shall submit a drainage improvement plan incorporating the CSA 50 Stormwater Management and Flood Control Report recommendations for drainage area number 27. Alternate drainage improvements may be considered, subject to RMA 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 the RMA 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.

55. 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 the RMA.

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.

56. 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 RiverwoodComplex.

- 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 northern and western edge of the Hatton Parcel will have a planted tree/vegetation buffer views to shield views of the new residences from Rio Road east and the Community Church.

- 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: Prior to issuance of any building and/or grading permit, the Owner/Applicant or successor in interest shall submit at least 3 copies of the proposed new landscaping and lighting to RMA-Planning for review and approval.

57. 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.

58. BIO-1

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: BIO-1: Conduct a Floristic Survey of Coast Live Oak Woodland Habitat in Lot 130 during the Blooming Period for Potential Special-Status Plant Species.

Prior to construction, on Lot 130, the Applicant or successor(s) in interest responsible for development on Lot 130 will retain a qualified botanist to conduct a survey of the coast live oak woodland habitat in Lot 130 for jolon clarkia and fragrant fritillary. The survey will occur during the overlapping blooming period for these species (April). If special-status plant occurrences are identified in the course of the survey, the perimeters of the occurrences will be mapped using a global positioning system (GPS) with sub-meter accuracy, and staked to facilitate avoidance. The botanist will prepare a report describing the results of the these surveys. The report will be submitted to the Applicant or successor in interest and the County RMA-Planning.

Compliance or Monitoring Action to be Performed: Prior to issuance of grading and/or construction permits for development on Lot 130, the Applicant/Owner will submit the results of a properly timed survey for Lot 130 to the RMA-Planning Division for review and approval. If no species are located, then no further action will be required. Mitigation Measure BIO-2 will be implemented if any occurrences of special-status plants are documented during these surveys.

In the event special status plants are found and located, the requirement of Mitigation Measure BIO-2 will be required.

59. BIO-2

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: BIO-2: Measures to Avoid or Minimize Impacts on Special-Status Plant Species Populations Relative to Lot 130.

The Applicant/Owner will implement the following measures to avoid or minimize impacts on special-status plant species, if any occurrences are documented in the surveys prescribed in Mitigation Measure BIO-1. This measure is applicable only to Lot 130 in the 130-Unit Alternative.

The Applicant/Owner shall present the findings of the special-status plant survey to the County RMA-Planning. If special-status plants are found on Lot 130 that would be affected by the residential design, prior to construction, the Project Applicant will modify the Lot 130 residential design to avoid direct and indirect impacts on special-status plant species, if feasible. If the Applicant/Owner identified that avoidance or minimization is not feasible, they shall identify the reasons why in writing to the County, who shall make the final determination of feasibility prior to issuance of any building permit for Lot 130.

Special-status plant species near the 130-unit Alternative site will be protected from temporary construction disturbance. Prior to construction, the contractor or Applicant/Owner will install environmentally sensitive area fencing (orange construction barrier fencing) around special-status plant species populations. The environmentally sensitive area fencing will be installed at least 20 feet from the edge of the population, where feasible. 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 environmental sensitive area.

If impacts are unavoidable, the Applicant or successor in interest will coordinate with CDFW and Monterey County to determine a compensation plan to replace the loss of special-status plants. If necessary, the Project Applicant will develop and implement a compensation plan in coordination with and with the approval of CDFW and Monterey County. The compensation plan will preserve an offsite area containing the affected special-status plant or plants. The compensation area will contain an equal or greater amount of plants and/or acreage (as determined in consultation with CDFW) as that lost due to the Project. The amount of preserved area will include adjacent areas if necessary in order to preserve the special-status plant population in perpetuity.

The Applicant or successor in interest will be responsible for acquisition of a mitigation site in fee or in conservation easement, to maintain the mitigation site for the benefit of the special-status plant population in perpetuity, and to fund maintenance of the mitigation site through the establishment of an endowment. Annual monitoring of the mitigation site will be conducted for 5 years to assess vegetative density, population size, natural recruitment, and plant health and vigor to assure that an equal amount of plants or plant acreage is being sustained through the implemented site maintenance. The site will be evaluated at the end of the 5-year monitoring period to determine whether the mitigation has met the success criteria of preserving a population the same size/and or area as that lost due to development of the site and whether adjustments in site maintenance are necessary.

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

Prior to Recordation of the Final Map that includes Lot 130, this mitigation measure and its requirements shall be shown as a note on the Map.

Prior to issuance of a grading and/or building permit for development on Lot 130, the Applicant/Owner shall demonstrate al sensitive area fencing has been installed in areas where special-status plants have been located. If fencing is not feasible and avoidance cannot be accomplished, the Applicant/Owner shall submit proof that a compensation plan has been agreed upon my CDFW, Monterey County and the Project Applicant. Such compensation plan shall include the private acquisition of offsite mitigation area(s).

60. BIO-3

Responsible Department: RMA-Planning

**Condition/Mitigation
Monitoring Measure:** BIO-3: 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-7, below). 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.

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

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 RMA-Planning as proof that training was provided as required.

61. BIO-4

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: BIO-4: Provide Funding Assurances and Reporting Concerning Restoration Progress and Success

The Applicant or successor in interest will fully implement the developed and approved restoration plan for the 130-Unit Alternative (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 2006 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 and Applicant/Owner or successor in interest shall submit the proposed restoration plan to RMA-Planning for review and approval.

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 RMA-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, demonstrating that restoration was successful. Successful restoration shall be accomplished for ten consecutive years before this mitigation measure is complete.

62. BIO-5

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: BIO-5: 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 2006 Restoration Plan (Proposed Project) or newly developed and approved restoration plan for the 130-Unit Alternative¹ during Phase 1 of construction. The restoration will commence during Phase 1 and 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 2006 Restoration Plan (Proposed Project) or new 130-Unit Alternative 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 3.3-6) (Zander 2006) 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 during Phase 1 of the Project to provide for mature vegetation cover in the restoration area in the interim period between Project impact and full implementation of the 2006 Restoration Plan (Proposed Project) or new 130-Unit Alternative restoration plan.

Compliance or Monitoring Action to be Performed: Prior to recordation of the Phase 1 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.

63. BIO-6

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: BIO-6: 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 RMA-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 RMA-Planning that environmentally sensitive area fencing has been installed in the appropriate areas, as determined by a qualified botanist.

64. BIO-8

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: BIO-8: Create Coast Live Oak Woodland Habitat to Mitigate Permanent Loss of Coast Live Oak Woodland Habitat

Upon approval of the 130-Unit Alternative and in accordance with its restoration plan (which will be developed upon project approval), the Applicant or successor in interest will compensate for the permanent loss of coast live oak woodland habitat associated with the construction of Lot 130 through onsite and/or offsite creation of oak woodland at a compensation ratio greater than 1:1, which will be determined in consultation with the regulatory agencies. Options for the restoration of suitable oak woodland habitat include:

- Onsite Habitat Preserve – The 130-Unit Alternative’s proposed restoration plan could be modified to include suitable coast live oak woodland habitat within the habitat preserve.

- Onsite in Remnant Golf Course – Because the impacts are to a small, isolated patch of coast live oak woodland habitat with disturbed, sparse understory, it would be appropriate to create new oak woodland habitat on the retained portions of the 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 coast live oak woodland 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 creation of the coast live oak woodland habitat and to fund the management of the habitat in perpetuity.

The Applicant or successor in interest will submit and receive approval of a formal proposal from the County for creation, management, and preservation of coast live oak woodland habitat in compliance with this measure prior to issuance of any building permit for development on Lot 130. The Applicant or successor in interest 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 the first 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 for development on Lot 130, the Applicant/Owner shall submit a formal proposal for the creation, management, and preservation of Coast Live Oak for review and approval.

65. BIO-9b

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: BIO-9b: 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 130-Unit Alternative results in no net loss of wetland habitat functions and values, prior to construction the Applicant /Owner 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 130-Unit Alternative 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. Options for the restoration locations are the same as described above for Mitigation Measure BIO-8. 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 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 first 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.

66. BIO-10

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: BIO-10: 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 Homeowner's Association (HOA) or other entity responsible for common areas 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 requirements.

67. BIO-11

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: BIO-11: Conduct Formal Site Assessment and Consult with U.S. Fish and Wildlife Service to Determine if Protocol-Level Surveys are Necessary OR Assume CRLF Presence.

Prior to the beginning of construction, the applicant/owner will retain qualified biologists to conduct a formal site assessment for CRLF according to FWS' Revised Guidance on Site Assessments and Field Surveys for the California Red -legged Frog (August 2005). 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, 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. Based on the results of the site assessment and surveys, FWS would provide guidance on how the CRLF should be addressed through the federal ESA Section 7 or Section 10 process. If CRLF 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 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, the applicant or successor in interest can assume that CRLF are present and not do the surveys. If CRLF are found, the FWS otherwise determines that the site is CRLF habitat, or it is assumed that CRLF are present, Mitigation Measures BIO-12 through BIO-14 will be implemented.

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

Compliance or Monitoring Action to be Performed:

Prior to issuance of grading and/or building permits, the Applicant/owner shall submit proof, from a qualified biologist, that appropriate survey/site assessment was conducted. The results of the assessment shall be document and submitted to USFWS and RMA-Planning for review.

If additional surveys are required USFWS shall be consulted for guidance and that information relayed to RMA-Planning.

If resources are found Mitigation Measures BIO 12 through 14 shall be implemented.

68. BIO-12

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: BIO-12: Restrict Filling of Ponds/Wetlands and Initial Ground-Disturbing Activities in CRLF Habitat to the Dry Season (May 1 to October 15).

To minimize mortality of CRLF eggs, larvae, and adults, the Applicant or successor 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 would have left these areas to aestivate underground and would not be present. CRLF 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 (see Mitigation Measure BIO-14). To minimize disturbance of breeding and dispersing CRLF, initial construction activity (including grading) within and CRLF 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 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 has agreed to an extended work period. Such proof from USFWS shall be in writing.

69. BIO-13

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: BIO-13: Conduct a Preconstruction Survey for CRLF.

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 2 weeks prior to the onset of work. The name and credentials of the biologist will be submitted to FWS 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. If a CRLF is found within aquatic habitat, the biologist will contact FWS 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 issuance of grading and/or building permits, the Applicant/Owner shall submit proof to RMA-Planning that a qualified USFWS approved biologist has been retained to perform required surveys. Results of the survey shall be submitted to USFWS and RMA-Planning for review and approval.

70. BIO-14

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: BIO-14: Monitor Initial Ground-Disturbing Construction Activities within CRLF Habitat.

The Applicant or successor 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 upland habitat. The biologist will look for CRLF during grading, excavation, and vegetation removal activities. If a CRLF 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

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 RMA-Planning that a qualified USFWS approved biologist has been retained to monitor ground disturbance activities with CRLF habitat.

71. BIO-15

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: BIO-15: Compensate for the Removal and Disturbance of CRLF Breeding Habitat.

The Applicant/Owner will compensate for the permanent loss of suitable breeding habitat for CRLF 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. The actual compensation ratio will be determined in consultation with FWS. The conservation area will be permanently restricted from development and will be managed for the benefit of CRLF 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 the County prior to construction.

Options for the restoration of suitable aquatic habitat include:

- Onsite Habitat Preserve – The 2006 Restoration Plan for the Proposed Project could be modified, or the newly developed restoration plan (upon approval of the 130-Unit Alternative) could include, suitable breeding ponds for CRLF within the habitat preserve. The 2006 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.
- 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.
- 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 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. The management plan shall be reviewed and approved by RMA-Planning.

72. BIO-16

Responsible Department: RMA-Planning

**Condition/Mitigation
Monitoring Measure:**

BIO-16: 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-14. 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 RMA-Planning for review and approval.

73. BIO-17

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: BIO-17: 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 RMA-Planning for review and approval.

74. BIO-18

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: BIO-18: Redesign Restoration Plan to Replace Lost Tricolored Blackbird Nesting Colony Habitat or Incorporate Tricolored Blackbird Nesting Habitat into the Newly Developed 130-Unit Alternative Restoration Plan if developed.

The Applicant or successor in interest will replace lost tricolored blackbird nesting habitat in coordination with DFW if a tricolored blackbird nesting colony is documented (per Mitigation Measure BIO-17 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.

75. BIO-19

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: BIO-19: 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 habitats in the 130-Unit Alternative 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 RMA-Planning for review and approval.

76. BIO-20

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: BIO-20: Remove Vegetation during the Non-breeding Season and Avoid Disturbance of Nesting Migratory Birds and Raptors.

During construction of the 130-Unit Alternative, the Applicant/Owner will condition its contractor to ensure that construction contractors remove trees and shrubs only during the non-breeding 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 non-breeding 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.

77. BIO-21

Responsible Department: RMA-Planning

**Condition/Mitigation
Monitoring Measure:**

BIO-21: 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-10). 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 RMA-Planning for review and approval.

78. BIO-22

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: BIO-22: 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 permits and arrangements 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 grading and/or building permits the Applicant/Owner shall submit proof that NOAA Fisheries and CDFW has granted permission to rescue steelhead. The Project Applicant shall submit proof that all required approvals and permits have been obtained.

79. BIO-23

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: BIO-23: Install Signs Along and Within the Habitat Preserve about Restraining Dogs and Encouraging Cats to be Kept Inside.

The Homeowners Association (HOA) 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 shall submit proof that signs have been developed, printed and installed as prescribed.

80. 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 its contractor will stop work. If cultural resources such as chipped stone or ground stone, 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 recommendations.

Compliance or Monitoring Action to be Performed: Include as a note on the final map and comply with the conditions.

81. 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 redecoration 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 and tribal monitor for the observation of all grading and ground disturbance activities.

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

82. 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.

83. 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 100-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.

84. 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 130-Unit Alternative, the Applicant/Owner 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 shall adopt and enforce rules and procedures adequate to protect archaeological resources on an ongoing basis, including consulting with a qualified archaeologist if potential resources are discovered.

85. GEO-1

Responsible Department: RMA-Planning

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/Owner, or any successor 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 Applicant or successor 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 the Division of Planning and the Division of Building of the Resource Management Agency 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.

86. GEO-2

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: GEO-2: Conduct Additional Site-Specific Investigation Relative to Lot 130 and Implement Recommended Grading and Slope Design Criteria of the Site-Specific Geotechnical Reports.

The Applicant/Owner will conduct additional geotechnical investigation to determine if there are any direct or indirect landsliding risks, including risks from landslides north of Carmel Valley Road associated with the future development of Lot 130. If landslide hazards are identified, then site specific recommendation of the additional investigation will be incorporated into site plans.

In order to reduce the potential for slope failure to occur, specific design measure, as recommend in the geotechnical investigations (ENGEO 2005 and as required by this measure), will be incorporated into the 130-Unit Alternative by the applicant 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 recommendation 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 grading permits for Lot 130, a site-specific geotechnical report shall be submitted to the Building Division of the Resource Management Agency for review and approval.

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

87. GEO - 3

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: GEO-3: Prepare and Implement an Erosion and Sediment Control Plan.

Prior to construction, the Applicant or successor 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 ordinance. The plan will contain details and specification for a variety of standard and site-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 the Monterey County Resource Management Agency-Planning Division 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 grading permits, an Erosion and Sediment Control Plan shall be submitted the RMA-Planning Division and RMA-Environmental Services Division for review and approval.

88. GEO-4

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: GEO-4: Remove Localized Zones of Overly Loose Materials.

During Construction of the 130-Unit Alternative, the Applicant or successor(s) in interest responsible for site grading and foundation work will implement the recommended design criteria of the geotechnical report (ENGEO 2005). Such criteria can 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 recompact 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 recommendation 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 inspection, 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.

89. GEO-5

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: GEO-5: Prepare a Geotechnical Report for Lot 130 Concerning Expansive Soils.

Prior to construction on Lot 130, the Applicant or successor(s) in interest will prepare a geotechnical report for Lot 130 to determine soil expansion potential. Development on this lot will be designed by a qualified architect and/or engineer according to the recommended design criteria of the geotechnical report. The Applicant or successor(s) in interest will also implement all other relevant soil recommendations detailed in the geotechnical report and demonstrate to the County at the final design phase (prior to issuance of building permit or any water use permits) that the project is in compliance with the design criteria and recommendations of the geotechnical report.

Compliance or Monitoring Action to be Performed: Prior to recordation of final maps, the requirements of this mitigation measure shall be included as a note on an additional sheet .

Prior to the issuance of grading or building permits on lot 130, the applicant shall submit to the Building Division of the RMA a geotechnical report for review and approval.

90. 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 grading or building permits of any phase of the 130-Unit Alternative, the Applicant/Owner shall submit to RMA-Planning for review and approval a report of construction specifications demonstrating implementation of BMPs

91. 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 130-Unit Alternative to 1,770 MTCO₂e per year for the 130-Unit Alternative. The GHG Reduction Plan would be provided to RMA-Planning for review and approval prior to grading, or ground disturbance or vegetation removal for any phase of the Proposed Project or 130-Unit Alternative. The GHG Reduction Plan would identify the specific design measures proposed to reduce GHG emissions from the Proposed Project or 130-Unit Alternative, 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 Chief of Planning Services with the Resource Management Agency for review and approval.

92. HAZ-1

Responsible Department: Health Department

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 (CFPD).

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 CFPD shall be submitted indicating that all measures have been implemented and complied with.

93. HAZ-2

Responsible Department: Health Department

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 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 spills are promptly and adequately addressed and that all personnel involved in the clean-up of spills have received the appropriate training.

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

94. HAZ-3

Responsible Department: Health Department

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 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 CFPD.

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 Chief of Planning Services for review and approval.

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

95. HAZ-5

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: HAZ-5: 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 MRWMD.

96. 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 in interest shall submit to Monterey County RMA 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 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 RMA 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.

97. HYD-2

Responsible Department: RMA-Planning

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 in interest shall submit an Operation and Maintenance Plan to RMA 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 Homeowners Association (HOA).

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

98. HYD-3

Responsible Department: RMA-Planning

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 in interest, shall enter into Maintenance Agreement with Monterey County. The applicant shall submit a signed and notarized Agreement to RMA 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 RMA 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.

99. 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 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 RMA - Planning for review and approval. Written approval by appropriate regulatory agencies may be required as applicable.

100. 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.

101. HYD-6

Responsible Department: RMA-Planning

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 will 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 in interest responsible for installation of the excavated basin shall provide plans to the County RMA-Environmental Services and 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.

102. HYD-7

Responsible Department: RMA-Planning

**Condition/Mitigation
Monitoring Measure:** HYD-7: Avoid Encroachment into the 100-year Floodplain for Lot 130 Uses.

If the 130-Unit alternative is approved by the County, no structures or fill will be placed within the 100-year floodplain area on the south side of the newly created Lot 130. The Applicant or successor(s) shall provide plans for proposed residential improvements to the County RMA-Environmental Services and Public Works demonstrating avoidance of the floodplain area prior to issuance of any building permits for Lot 130.

**Compliance or
Monitoring
Action to be Performed:** A note shall be added to the final map prior to recordation.
In addition, prior to recordation of the final map, a Deed Notice shall be recorded.

103. NOI-1

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: NOI-1: Implement Noise-Reducing Treatments at Residences Located Near the Batting Practice Area and Lot 130

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 and residential areas on Lot 130 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 and Lot 130.
- 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) or the residence on Lot 130 along Carmel Valley Road.
- For Lot 130, any solid barriers (soundwalls, earthen berms, or other structures) proposed to attenuate Carmel Valley Road traffic noise shall be designed to preserve the rural character and views along Carmel Valley Road, which may require setback from Carmel Valley Road and/or use of screening vegetation to hide any proposed solid structures. If such barriers must be set back from Carmel Valley Road to maintain scenic road views, this may require relocation or realignment of the Lot 130 residence to locations further from the roadway.

The report will be submitted to RMA-Planning for review and approval prior to issuance of buildings permits.

Compliance or Monitoring Action to be Performed: Prior to recordation of a final map or issuance of construction permits the applicant shall identify specific treatments to be implemented that will reduce exterior and interior noise to less than 60 CNEL and 45 CNEL, respectively. Such treatments shall be subject to review and approval by the RMA and Environmental Health.

Approved noise measures shall be included as notes on the final map prior to recordation.

104. 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.

105. PSU-1

Responsible Department: Water Resources Agency

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 Project Applicant, the Homeowner's Association (HOA), individual property owners, and any other parties responsible for water use shall implement the following measures to ensure that the overall project consumptive use of water does not exceed the amounts stated in the RDEIR:

- (1) The Project Applicant shall obtain a permanent dedication of 60 AFY of the water rights associated with the project site that reserves its use solely for the on-site residential development (including the park and preserve) and precludes any future use of this amount for any other use or transfer.

- (2) The Project Applicant shall provide MPWMD and the County evidence of SWRCB approval of any appropriative rights in sufficient amounts for any proposed on-site residential uses that would rely on appropriative rights and/or any proposed water transfer prior to issuance of any building or water use permit. If the site residential development would only rely on riparian rights and no water transfer is advanced, then this portion of this measure would not apply.

- (3) 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. 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.

- (4) 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 RDEIR. If tracking indicates that the project overall trend would result in an exceedance of the established water budgets upon full buildout, the 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.

- (5) If monitoring/reporting indicates that the project is exceeding the estimated water budget in the REDIR 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, individual property owners, and/or any other entity responsible for water use on the project) to modify landscaping and 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 RDEIR. If triggered, the responsible parties for water use shall implement remedial measures within one year of the exceedance.

- (6) 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.

- (7) If a separate water system is proposed, the Project Applicant shall be required to

obtain necessary permits for the separate water delivery system and to demonstrate to the County's satisfaction that the water delivery system can deliver water consistently and perpetually to the project prior to issuance of the first building permit.

Compliance or Monitoring Action to be Performed: Prior to recordation of a Final Map(s) the applicant shall provide written evidence of the water rights and restrictions.

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

106. 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 construction, the Project Applicant will condition its contractor to test the proposed water supply for the 130-Unit Alternative for California Title 22 constituents for potable water supply and will design and fund any necessary treatment and distribution facilities needed to transport treated water to the project site. Testing results will be provided to the County. The design for the new facilities will be submitted to Monterey County for review and approval. The new facilities can be placed within the existing 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 construction -related impacts of the 130-Unit Alternative will apply to any potential impacts of new facilities. (this shall include the following, as applicable to impacts of construction of the new facilities: Mitigation Measures BIO-1 through BIO-6; BIO-8 through BIO-21)

No grading for the 130-Unit Alternative 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. This mitigation also applies to any new facilities required if the 130-Unit Alternative utilizes a connection to the Cal-Am distribution system.

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 RMA and Environmental Health

107. 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 the remaining sections of the Rancho Cañada Golf Club 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 grading and/or grading permits, the Applicant/Owner shall submit proof to RMA-Planning that coordination with appropriate service utility service providers, to reduce or avoid service interruptions, shall be done.

108. 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 construction, the Applicant, or successor in interest will contribute a fair share traffic impact fee to fund necessary improvements identified in the CVTIP, as updated at the time of building permit issuance. The payment shall be made prior to issuance of the first building permit for a residential unit.

Prior to issuance of the first residential building permit, the Applicant or successor in interest, shall coordinate with RMA-Public Works to arrange for fair-share payment of required traffic improvements. Proof of payment shall be submitted to RMA-Planning.

109. TR-2

Responsible Department: RMA-Public Works

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

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
Monitoring
Action to be Performed:** Prior to issuance of the first residential building permit, the Applicant or successor in interest, shall coordinate with RMA-Public Works to arrange for fair-share payment of required traffic improvements. Proof of payment shall be submitted to RMA-Planning.

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 RMA-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 RMA-Public Works.

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

Responsible Department: Economic Development

Condition/Mitigation Monitoring Measure: Applicant shall comply with the Inclusionary Housing Ordinance (County Ordinance No. 4185) by constructing twenty-five (25) on-site rental units affordable to moderate income households. The affordability restrictions, administration of the restrictions, and enforcement shall be in accordance with County regulation and an Inclusionary Housing Agreement between the County and the Applicant.

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