



Monterey County Board of Supervisors

Board Order

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A motion was made by Supervisor John M. Phillips, seconded by Supervisor Luis A. Alejo to:

Adopted Resolution No. 20-078 to:

- a. Certify that the Board considered an Addendum together with the Environmental Impact Report for the Tavernetti Residential Subdivision (SCH #97041029), certified in 2006, pursuant to Section 15164 of the CEQA Guidelines.
- b. Amend Conditions of Approval Nos. 188, 189, 190, 191, 192, and 193 of the Morisoli-Amaral Combined Development Permit for the Morisoli-Amaral Subdivision to change timing of mitigation measures, including their associated bonding or fair-share contribution requirements, to reflect phasing of the development.
- c. Adopt a Mitigation Monitoring and Reporting Program for the amended conditions.

PASSED AND ADOPTED on this 24th day of March 2020, by roll call vote:

AYES: Supervisors Alejo, Phillips, Lopez, Parker and Adams

NOES: None

ABSENT: None

(Government Code 54953)

I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 82 for the meeting March 24, 2020.

Dated: June 11, 2020
File ID: RES 20-030
Agenda Item No.: 12

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

Joel G. Pablo, Deputy

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

Morisoli Partnership, A California General Partnership; Amaral Ranches, a California partnership; and Albin Morisoli and Clara Mae Morisoli- Combined Development Permit for the Morisoli-Amaral Subdivision (Morisoli Partnership, Amaral Ranches, and Albin Morisoli and Clara Mae Morisoli/PLN020016-AMD2)

Resolution No. 20 – 078 to:

- Resolution of the Monterey County Board of Supervisors:)
- a. Considering an addendum together with the previously certified Tavernetti)
Residential Subdivision Environmental Impact Report (SCH #97041029), certified)
in 2006, pursuant to Section 15164 of the CEQA Guidelines.)
- b. Amending Condition of Approval Nos. 188, 189, 190, 191, 192, and 193 of the)
Morisoli-Amaral Combined Development Permit to more appropriately time the)
mitigations required by project Conditions of Approval Nos. 188-193, including)
their associated bonding or fair-share contribution requirements to the phase of the)
development that results in the corresponding impact; and)
- c. Adopting a Mitigation Monitoring and Reporting Program)
- PLN020016-AMD2: APNs 221-161-017-000, 420-063-044-000, 420-063-045-000, 420-)
063-046-000, 420-063-054-000 and 420-063-055-000, West of Pine Canyon Road and)
Pettitt Road intersection, approximately two miles Southwest of King City, Central)
Salinas Valley Area Plan.....)

WHEREAS, Morisoli Partnership, A California General Partnership; Amaral Ranches, a California partnership; and Albin Morisoli and Clara Mae Morisoli, husband and wife as community property (“Applicant”) have applied to amend Condition Nos. 188, 189, 190, 191, 192 and 193 of the previously approved Morisoli-Amaral Combined Development Permit (PLN020016);

WHEREAS, on February 14, 2006, the Board of Supervisors certified an Environmental Impact Report and approved a Combined Development Permit (PLN020016) to allow 1) General Plan Amendment to amend the property's land use designation from Rural Grazing, 10 - 160 acre minimum and Permanent Grazing, 40 acre minimum, to Low Density Residential, 5 - 1 acres per unit, and Medium Density Residential, 1-5 units per acre; 2) Zoning Re-classification to change the zoning designations of the subject parcel from PG/40, RG/20, LDR/1 and RG/40 to LDR/B-6, LDR/B-6-VS, MDR/1, MDR/1 (24) and O zoning designations; 3) Vesting Tentative Map for the subdivision of 402 acres into 319 residential lots including 48 lots for development of inclusionary housing units, and 9 Open Space areas containing approximately 225 acres and including 5.5 acres of improved parkland; 4) Use Permit to allow development on slopes in excess of 30%; 5) Use Permit to allow removal of approximately 730 protected Oak trees; and 6) Use Permit to allow expansion of a sewage treatment facility; and 7) grading (approximately 700,000 cubic yards of cut and 630,000 cubic yards of fill) (Board of Supervisors’ Resolution No. 06-043);

WHEREAS, on June 19, 2018, the Board of Supervisors amended Condition No. 50 of the Combined Development Permit to allow the use of Via Canada as an interim primary access for Phases A and B of the subdivision (Board of Supervisors’ Resolution No. 18-076, June 19, 2018);

WHEREAS, the Combined Development Permit/Vesting Tentative Map as amended has not expired through a series of legislative and discretionary extensions;

WHEREAS, Condition Nos. 188, 189, 190, 191, 192 and 193 of the Combined Development Permit are mitigation measures addressing traffic and circulation in order to mitigate for the subdivision’s transportation-related impacts;

WHEREAS, the Applicant has applied for an amendment to Conditions 188, 189, 190, 191,192 and 193 to more appropriately time the mitigations required by project Conditions of Approval Nos. 188-193, including their associated bonding or fair-share contribution requirements, to correspond to the phase of the development that results in the corresponding impact. The amended conditions are attached to this resolution as Exhibit 1 and incorporated herein by reference;

WHEREAS, section 19.08.010 of the Monterey County Code allows the appropriate decision-making body to consider amendments to conditions of a tentative map after public hearing, provided that:

- a) the final map has not been filed for recordation;
- b) No lots, units, or building sites are added or deleted;
- c) The changes are consistent with the Monterey County 2010 General Plan, and the Central Salinas Area Plan;
- d) The amendment will not result in a violation of Monterey County Code; and
- e) There will be no new significant adverse environmental effect from the amendment;

WHEREAS, pursuant to section 19.08.010, the decision-making body shall “confine its consideration and action to the proposed modifications of the approved tentative map”;

WHEREAS, staff has prepared and the Board has considered an Addendum to the EIR certified for the original project (Tavernetti Residential Subdivision EIR/SCH# 9704129); and

WHEREAS, the Board of Supervisors conducted a public hearing on the amendment to Condition Nos. 188, 189, 190, 191, 192 and 193, and the public hearing was duly noticed for March 24, 2020, with notice published in the *Monterey County Weekly*, mailed to properties within a 300 foot radius of the project area, and posted on site.

NOW, THEREFORE, having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Monterey County Board of Supervisors hereby makes the following findings:

1. **FINDING:** **CONSISTENCY** - The amendment meets the requirements of Section 19.08.010 – Modifications of Conditions to an Approved Tentative Map or Tentative Parcel Map—of the Monterey County Code.
EVIDENCE: a) Amendment to condition of approval numbers 188 (MM#44), 189 (MM#45) , 190 (MM#46), 191 (MM#47), 192 (MM#48) , and 193 (MM#49) of the Morisoli-Amaral Combined Development Permit (PLN020016) for the Morisoli-Amaral Subdivision will change timing of transportation-related mitigation measures, including associated bonding or fair-share contribution requirements, to correspond to the

phase of the development that results in the potential impact. A summary of each condition and the changes are as follows. See proceeding Evidence b-f.

- b) **Condition 188 (MM#44):** The description of this condition/mitigation measure pertains to the widening of Jolon Road to three lanes (two southbound and one northbound) between Pine Canyon Road and Highway 101. The description of the condition does not change, except for making minor changes consistent with the responsible departments name (formerly known as Department of Public Works to Resource Management Agency-Public Works).

The major change is the timing of the condition/mitigation from:

~~Condition 188- Current Timing Language- “Bonds provided prior to filing the final map for the first project phase. Construction shall be provided in accordance with the approved Phasing Plan.”~~

New Condition 188- Timing Language: Prior to recordation of the Final Map for the first phase following Phases A & B of the subdivision, Applicant/Owner/Subdivider shall submit detailed improvement plans showing all improvements required by this condition to the RMA for review and approval. The plans shall be prepared by a California licensed professional engineer. The improvements shall be constructed prior to final occupancy of the 99th overall home of the entire project. Owner/Subdivider shall enter into an Improvement Agreement to install any improvements not constructed prior to the acceptance of the Final Map for the first phase following Phases A & B of the subdivision and said agreement shall be recorded. Improvements shall be bonded prior to recordation of the Final Map for the first phase following Phases A & B of the subdivision.

- c) **Condition 189 (MM#45):** This condition pertains to improvement of Pettitt Road between Pine Canyon Road and the subdivision site as a secondary sidehill street. The description of the condition does not change, except for making minor changes consistent with the responsible departments name (formerly known as Department of Public Works to Resource Management Agency-Public Works).

The major change is the timing of the condition/mitigation from:

~~Condition 189- Current Timing Language- Bonds provided prior to filing the final map. Construction to be completed prior to occupancy if any dwelling.~~

New Condition 189- Timing Language: Prior to recordation of the Final Map for the first phase following Phases A & B of the subdivision,

Applicant/Owner/Subdivider shall submit detailed improvement plans showing all improvements required by this condition to the RMA for review and approval. The plans shall be prepared by a California licensed professional engineer. The improvements shall be constructed prior occupancy of the first unit of the first phase following Phases A & B of the subdivision.

Owner/Subdivider shall enter into an Improvement Agreement to install any improvements not constructed prior to the acceptance of the Final Map for the first phase following Phases A & B of the subdivision and said agreement shall be recorded. Improvements shall be bonded prior to recordation of the Final Map for the first phase following Phases A & B of the subdivision.

- d) **Condition 190 (MM#46):** Provide sidewalks along Pine Canyon Road as part of the site's frontage improvements. The description of the condition does not change, except for making minor changes consistent with the responsible departments name (formerly known as Department of Public Works to Resource Management Agency-Public Works).

The major change is the timing of the condition/mitigation from:

~~Condition 190- Current Timing Language- Bonds provided prior to recordation of the final map for the first project phase.~~

New Condition 191- Timing Language: Prior to recordation of the Final Map for the first phase following Phases A & B of the subdivision, Applicant/Owner/Subdivider shall submit detailed improvement plans showing all improvements required by this condition to the Resource Management Agency (RMA) for review and approval. The plans shall be prepared by a California licensed professional engineer. The improvements shall be constructed prior occupancy of the first unit of the first phase following Phases A & B of the subdivision.

Owner/Subdivider shall enter into an Improvement Agreement to install any improvements not constructed prior to the acceptance of the Final Map for the first phase following Phases A & B of the subdivision and said agreement shall be recorded. Improvements shall be bonded prior to recordation of the Final Map for the first phase following Phases A & B of the subdivision.

- e) **Condition 191 (MM#47):** This condition has two parts: Part 1 is to widen Jolon Road to four lanes (two southbound and two northbound) between Pine Canyon Road and Highway 101; and Part 2 to upgrade Jolon Road approaches to Pine Canyon Road to the following lane configurations: Northbound- one left turn lane, one shared

through/right-turn lane; Southbound- one left turn lane, one through lane and one free (unrestricted) right-turn lane. The description of the condition does not change, except for making minor changes consistent with the responsible departments name (formerly known as Department of Public Works to Resource Management Agency-Public Works) and adding an extra sentence at the beginning of the condition clarifying the responsible party (applicant, owner, subdivider) responsible to pay pro-rata fair share of the costs of improvements.

The major change is the timing of the condition/mitigation from:

~~Condition 191- Current Timing Language- Pro-rata fair share shall be determined prior to recordation of the final map for the first phase. Pro-rata fair share shall be paid prior to issuance of the building permit for each parcel.~~

New Condition 191- Timing Language: For the purpose of determining the pro-rata fair share required by this condition,

Applicant/Owner/Subdivider shall submit conceptual improvement plans showing all improvements required by this condition to the Monterey County Resource Management Agency (RMA) for review and approval, prior to approval of the Final Map for the first phase of the subdivision. The plans shall be prepared by a California licensed professional engineer. The engineer will also provide an engineer's estimate of the total cost of the improvements, including the cost of obtaining environmental clearances and the cost of construction. The Applicant/Owner/Subdivider's traffic engineer shall determine the pro-rata fair share amount for each residential unit subject to the approval of the RMA prior to recordation of the Final Map for the first phase of the subdivision. The pro-rata fair share shall be paid prior to issuance of the building permit for each residential unit in the subdivision.

The pro-rata fair share shall be automatically adjusted as of July 1 of each year following the first year after the filing of the final map for the first Phase of the subdivision. The adjustment shall be calculated by the RMA based on the increase or decrease in the Engineering News Record Construction Cost Index for the San Francisco Bay Area for the period ending December 31 of the preceding calendar year.

The following note shall be placed on the final map for each phase of the subdivision: "Prior to issuance of the building permit for each residential unit in the subdivision, the lot owner/permit applicant shall contribute to the County a pro-rata fair share of the cost for the widening of Jolon Road to four travel lanes (two northbound and two southbound) between Pine Canyon Road and Highway 101 southbound

ramps, as required by Condition of Approval No. 191. The pro-rata fair share shall be automatically adjusted as of July 1 of each year following the first year after the filing of the final map for the first Phase of the subdivision. The adjustment shall be calculated by the RMA based on the increase or decrease in the Engineering News Record Construction Cost Index for the San Francisco Bay Area for the period ending December 31 of the preceding calendar year.”

- f) **Condition 192 (MM#48):** This condition has two parts: Part 1 is to widen Pine Canyon Road to four travel lanes with left turn channelization between Pettitt Road and Jolon Road; and Part 2 is to upgrade eastbound Pine Canyon Road approach to Jolon Road as two left-turn lanes and a shared through/right-turn lane. The description of the condition does not change, except for making minor changes consistent with the responsible departments name (formerly known as Department of Public Works to Resource Management Agency-Public Works) and adding an extra sentence at the beginning of the condition clarifying the responsible party (applicant, owner, subdivider) responsible to pay pro-rata fair share of the costs of improvements.

The major change is the timing of the condition/mitigation from:

~~Condition 192- Current Timing Language- Pro-rata fair share shall be determined prior to recordation of the final map for the first phase. Pro-rata fair share shall be paid prior to issuance of the building permit for each parcel.~~

New Condition 192- Timing Language: For the purpose of determining the pro-rata fair share required by this condition, Applicant/Owner/Subdivider shall submit conceptual improvement plans showing all improvements required by this condition to the Monterey County Resource Management Agency (RMA) for review and approval, prior to approval of the Final Map for the first phase of the subdivision. The plans shall be prepared by a California licensed professional engineer. The engineer will also provide an engineer’s estimate of the total cost of the improvements, including the cost of obtaining environmental clearances and the cost of construction. The Applicant/Owner/Subdivider’s traffic engineer shall determine the pro-rata fair share amount for each residential unit subject to the approval of the RMA prior to recordation of the Final Map for the first phase of the subdivision. The pro-rata fair share shall be paid prior to issuance of the building permit for each residential unit in the subdivision.

The pro-rata fair share shall be automatically adjusted as of July 1 of each year following the first year after the filing of the final map for the first Phase of the subdivision. The adjustment shall be calculated by the RMA based on the increase or decrease in the Engineering News

Record Construction Cost Index for the San Francisco Bay Area for the period ending December 31 of the preceding calendar year.

The following note shall be placed on the final map for each phase of the subdivision: “Prior to issuance of the building permit for each residential unit in the subdivision, the lot owner/permit applicant shall contribute to the County a pro-rata fair share of the cost for the widening of Pine Canyon Road to four travel lanes with left turn channelization between Pettitt Road and Jolon Road, as required by Condition of Approval No. 192. The pro-rata fair share shall be automatically adjusted as of July 1 of each year following the first year after the filing of the final map for the first Phase of the subdivision. The adjustment shall be calculated by the RMA based on the increase or decrease in the Engineering News Record Construction Cost Index for the San Francisco Bay Area for the period ending December 31 of the preceding calendar year.”

- g) **Condition 193 (MM#49):** This condition has four parts; Part 1 is to install a traffic signal at the Jolon Road/Pine Canyon Road intersection; Part 2 is to implement lane improvement at Jolon Road/Pine Canyon Road as noted in mitigation measures C-1.1 and C-1.2; Part 3 is to add a westbound Pine Canyon Road acceleration lane west of the Jolon Road/Pine Canyon Road intersection; and Part 4 is to upgrade westbound Pine Canyon Road approach to Jolon Road as a shared left/through/right lane. The description of the condition does not change, except for making minor changes consistent with the responsible departments name (formerly known as Department of Public Works to Resource Management Agency-Public Works).
The major change is the timing of the condition/mitigation from:

~~Condition 193- Current Timing Language- Bonds provided prior to filing the final map for the first project phase. Construction shall be in accordance with the approved Phasing Plan.~~

New Condition 193- Timing Language: Applicant/Owner/Subdivider shall submit detailed improvement plans showing all improvements required by this condition to the RMA for review and approval. The plans shall be prepared by a California licensed professional engineer. The plans shall be prepared, reviewed and approved by the RMA prior to issuance of the first building permit for a residential unit in the first phase following Phases A & B of the subdivision.

The traffic signal shall be installed prior to occupancy of the final residential unit of the first phase following Phases A & B of the subdivision. No building permits shall be issued for residential units on any phases subsequent to the first phase following Phases A & B of the subdivision until the traffic signal is installed. Owner/Subdivider shall enter into an Improvement Agreement to install any improvements not

installed or constructed prior to the acceptance of the Final Map for the first phase following Phases A & B of the subdivision and said agreement shall be recorded. Improvements shall be bonded prior to recordation of the Final Map for the first phase following Phases A & B of the subdivision.

- h) The final map has not been filed for record. The Vesting Tentative Map has not expired, as explained in the recitals above.
- i) No lots, units, or building sites are being added or deleted. The applicant is proposing amendment to Conditions 188-193 to more appropriately time the mitigations required by project Conditions of Approval Nos. 188-193, including their associated bonding or fair-share contribution requirements, to correspond to the phase of the development that results in the corresponding impact.
- j) The changes are consistent with the Monterey County General Plan, the Inland Land Use Ordinance (Title 21) and the Central Salinas Valley Area Plan. Staff has reviewed the changes for consistency with the Inland Land Use Ordinance (Title 21) and the Central Salinas Valley Area Plan for consistency with the proposed change and found no applicable policies or inconsistencies.
- k) There are no resulting violations of County Codes. The amendment does not result in any violation of the Monterey County Code, and no existing violations exist on the subject properties.
- l) There will be no new significant adverse environmental effect from the change. See CEQA finding.

2. **FINDING:** **HEALTH AND SAFETY** - The amendment 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 the project, or be detrimental or injurious to property or improvement in the neighborhood or to the general welfare of the County.

EVIDENCE:

- a) The condition amendments were reviewed by RMA-Planning, Monterey County Regional Fire Protection District, RMA-Public Works, RMA-Environmental Services and Environmental Health Bureau. The respective agencies added language to the condition amendment, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
- b) A traffic improvement phasing analysis was prepared to analyze a previously approved condition amendment (Condition 50; Planning File No. PLN020016-AMD1), which included analysis on the rest of the traffic mitigation measures/conditions, including Condition Nos. 188 through 193, where it summarized the phasing order of the transportation improvements from the Conditions of Approval for the, as well as the methodology used to determine the phase or phases when each improvement should be implemented. The conclusion is consistent with the changes to Conditions of Approval Nos. 188-193.

- c) Monterey County Resource Management Agency independently reviewed and concurred with the traffic analysis.

3. **FINDING:**

CEQA: - In accordance with CEQA Guidelines Section 15164(d), the Board of Supervisors considered the addendum (**Attachment C** to the March 24, 2020 Staff Report to the Board of Supervisors) with the FEIR (**Attachment F**-Tavernetti Residential Subdivision EIR (SCH# 9704129) to the March 24, 2020, Staff Report to the Board of Supervisors) prior to approving the amendment to Conditions of Approval Nos. 188-193. The Board finds that the amended Condition of Approval (COA) Nos. 188-193 does not cause substantial changes to the project and that there are no substantial changes in circumstances or new information of substantial importance that would require major revisions to the adopted FEIR. The Board further finds that the modification of the mitigation measures is warranted, based on substantial evidence, as described in the evidence below.

EVIDENCE :

- a) An Environmental Impact Report (SCH# 9704129) was prepared for the Tavernetti Residential Subdivision and certified on February 14, 2006.
- b) In accordance with Public Resources Code Section 21166 and CEQA Guidelines Section 15162(a), the preparation of a subsequent or supplemental FEIR is not required for the amendment of Condition of Approval (COA) Nos. 188-193. The County has determined, on the basis of substantial evidence in light of the whole record, that amendment of COA Nos. 188-193 would not result in substantial project changes that would require major revisions of the FEIR. There are no changes in circumstances and no new information, not known at the time the FSEIR was certified, that shows the amendment to the conditions may have a significant environmental effect or a substantial increase in the severity of previously identified significant effects. The addendum to the EIR, prepared for this project analyzes the change to the project and concludes that it is a minor change that will not result in a new significant environmental effect or a substantial increase in the severity of previously identified significant effects. The proposed condition amendments are warranted because the changes would appropriately time the mitigations required by project Conditions of Approval Nos. 188-193, including their associated bonding or fair-share contribution requirements, to correspond to the phase of the development that results in the corresponding impact, which does not represent a substantial change from the situation analyzed in the Draft EIR and was acknowledged in the Final Environmental Impact Report. Furthermore, a traffic improvement phasing analysis prepared by traffic engineer Keith Higgins, dated January 13, 2017 (**Attachment D** to the March 24, 2020 Staff Report) and independently reviewed and verified by Monterey County found that the traffic impacts requiring mitigations, as identified by the EIR, will only occur upon the development of project Phase C. The Higgins analysis was independently reviewed by the Monterey County Resource Management Agency (RMA). RMA concurred that the identified impacts will only

occur during the development of the first phase following Phases A and B of the subdivision (Phase C). The changes to the conditions will not result in new significant environmental effects or a substantial increase in the severity of previously identified environmental effects. No other categories of environmental concern are affected by the amendment, and there are no changed circumstances that would result in a new significant environmental effect or substantial increase in the severity of a previously identified significant environmental effect.

- c) No new information of substantial importance has been introduced which would indicate that the project will have one or more significant effects not discussed in the previous EIR or that significant effects previously examined will be substantially more severe than shown in the previous EIR, or that mitigation measures or alternatives found infeasible are now feasible.
- d) The prepared addendum (**Attachment C** to the March 24, 2020 Staff Report to the Board of Supervisors) to EIR (SCH# 9704129) has been prepared to document the non-substantial change to the original project.
- e) The materials for the proposed amendment found in Project File No. PLN020016-AMD2 and Clerk of the Board of Supervisors' file(s) related to the amendment.

NOW, THEREFORE, BE IT FURTHER RESOLVED, based on all of the above findings and the administrative record as a whole, that the Board of Supervisors does hereby:

- a. Certify that it consider an addendum together with the previously certified Tavernetti Residential Subdivision Environmental Impact Report (SCH #97041029) pursuant to Section 15164 of the CEQA Guidelines.
- b. Amends Condition of Approval Nos. 188, 189, 190, 191, 192, and 193 of the Morisoli-Amaral Combined Development Permit to more appropriately time the mitigations required by project Conditions of Approval Nos. 188-193, including their associated bonding or fair-share contribution requirements to the phase of the development that results in the corresponding impact. The amended conditions are attached to this resolution as Exhibit 1 and incorporated herein by reference.
- c. Adopt a Mitigation Monitoring and Reporting Program for amended Conditions of Approval Nos. 188, 189, 190, 191, 192, and 193 of the Morisoli Partnership Combined Development Permit.

PASSED AND ADOPTED on this 24th day of March 2020, by roll call vote:

AYES: Supervisors Alejo, Phillips, Lopez, Parker and Adams

NOES: None

ABSENT: None

(Government Code 54953)

I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 82 for the meeting March 24, 2020.

Dated: June 11, 2020

File ID: RES 20-030

Agenda Item No.: 12

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



Joel G. Pablo, Deputy

Monterey County RMA Planning

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

PLN020016-AMD2

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: This Condition Amendment (PLN020016-AMD2) amends Condition of Approval Nos. 188 (MM#44), 189 (MM#45), 190 (MM#46), 191 (MM#47), 192 (MM#48), and 193 (MM#49) of the Morisoli Partnership, Amaral Ranches, and Albin Morisoli and Clara Mae Morisoli (formerly the Morisoli-Amaral) Combined Development Permit (PLN020016) to more appropriately time the mitigations required by project, including their associated bonding or fair-share contribution requirements to the phase of the development that results in the corresponding impact. The subdivision is located west of the Pine Canyon Road and Pettitt Road intersection approximately two miles southwest of King City, (Assessor's Parcel Number 221-161-017-000, 420-063-044-000, 420-063-045-000, 420-063-046-000, 420-063-054-000 and 420-063-055-000), Central Salinas Valley Area Plan.

EXCEPT FOR AMENDMENTS TO CONDITION 50, WHICH WAS PREVIOUSLY AMENDED UNDER PLN020016-AMD1, AND AMENDMENTS TO CONDITIONS 188, 189, 190, 191, 192, AND 193 (PLN020016-AMD2), ALL CONDITIONS OF THE ORIGINAL COMBINED DEVELOPMENT PERMIT (PLN020016, BOS RESOLUTION NO. 06-043) REMAIN IN FULL FORCE AND EFFECT.

This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the 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. (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.

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 CONDITION AMENDMENT, File No. PLN020016-AMD2 (Resolution Number 20-087) was approved by MONTEREY COUNTY BOARD OF SUPERVISORS for Assessor's Parcel Numbers 221-161-017-000, 420-063-044-000, 420-063-045-000, 420-063-046-000, 420-063-054-000 and 420-063-055-000 on March 24, 2020. The permit was granted subject to 10 conditions of approval which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."

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

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

3. CC01 INDEMNIFICATION AGREEMENT

Responsible Department: County Counsel-Risk Management

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

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

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

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 issuance of building and grading permits, whichever occurs first, the Owner/Applicant shall:

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

5. PDSP001_NONSTANDARD_AMENDED CONDITION NO. 188 (MM#44 T-1.1)

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: MM #44 T-1.1 TRAFFIC & CIRCULATION IMPACT T-1: ROADWAY SEGMENT OPERATIONS

Subdivider shall widen Jolon Road to three travel lanes between Pine Canyon Road and the Highway 101 southbound ramps to provide two southbound lanes and one northbound lane, subject to the approval of the Resource Management Agency (RMA). Improvements shall be consistent with the future four-laning of Jolon Road (See Condition No. 191). Subdivider shall be responsible for obtaining all necessary permits and environmental clearances. Subdivider may enter into an agreement with the County for reimbursement from future development benefiting from this improvement. Subdivider shall also be eligible to receive credit toward the TAMC Regional Development Fee equal to the construction cost for improvements constructed in the State Highway right-of-way. In the event that the applicant notifies the County that it is unable to timely secure the required right-of-way at fair market value, the County shall, after verifying the landowners' rejection of applicant's bonafide offer to purchase the required property interests at a price established by a County approved appraiser for condemnation appraisals, shall acquire the land or right-of-way through negotiation or eminent domain. Subdivider shall fund the cost of the County's acquisition of the land/right-of-way and related court proceedings. (RMA-Public Works)

Compliance or Monitoring Action to be Performed: Prior to recordation of the Final Map for the first phase following Phases A & B of the subdivision, Applicant/Owner/Subdivider shall submit detailed improvement plans showing all improvements required by this condition to the RMA for review and approval. The plans shall be prepared by a California licensed professional engineer. The improvements shall be constructed prior to final occupancy of the 99th overall home of the entire project.

Owner/Subdivider shall enter into an Improvement Agreement to install any improvements not constructed prior to the acceptance of the Final Map for the first phase following Phases A & B of the subdivision and said agreement shall be recorded. Improvements shall be bonded prior to recordation of the Final Map for the first phase following Phases A & B of the subdivision.

6. PDSP002_NONSTANDARD_AMENDED CONDITION NO. 189 (MM#45 T-2.1)

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: MM #45 T-2.1 TRAFFIC AND CIRCULATION IMPACT T-2: INTERSECTION OPERATIONS

Subdivider shall improve Pettitt Road between Pine Canyon Road and the subdivision site as a secondary sidehill street or as approved by the Resource Management Agency (RMA). The intersection of Pettitt Road and Pine Canyon Road shall be improved subject to the approval of the RMA and shall include acceleration and deceleration tapers. Improvements to Pettitt Road shall include pedestrian/bicycle facilities. In the event that the applicant notifies the County that it is unable to timely secure the required right-of-way at fair market value, the County shall, after verifying the landowners' rejection of applicants bonafide offer to purchase the required property interests at a price established by a County approved appraiser for condemnation appraisals, shall acquire the land or right-of-way through negotiation or eminent domain. If the County acquires the right-of-way through eminent domain, Pettitt Road will become a County maintained public road. Subdivider shall fund the cost of the County's acquisition of the land/right-of-way and related court proceedings. (RMA-Public Works)

Compliance or Monitoring Action to be Performed: Prior to recordation of the Final Map for the first phase following Phases A & B of the subdivision, Applicant/Owner/Subdivider shall submit detailed improvement plans showing all improvements required by this condition to the RMA for review and approval. The plans shall be prepared by a California licensed professional engineer. The improvements shall be constructed prior occupancy of the first unit of the first phase following Phases A & B of the subdivision. Owner/Subdivider shall enter into an Improvement Agreement to install any improvements not constructed prior to the acceptance of the Final Map for the first phase following Phases A & B of the subdivision and said agreement shall be recorded. Improvements shall be bonded prior to recordation of the Final Map for the first phase following Phases A & B of the subdivision.

7. PDSP003_NONSTANDARD_AMENDED CONDITION NO. 190 (MM#46 T-3.1)

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: MM #46 T-3.1 TRAFFIC AND CIRCULATION IMPACT T-3: PEDESTRIAN/BICYCLE FACILITIES

The project shall construct sidewalks along Pine Canyon Road as part of the site's frontage improvements, and all future roadway widenings shall include sidewalks and bicycle lanes in accordance with County requirements. (RMA-Public Works)

Compliance or Monitoring Action to be Performed: Prior to recordation of the Final Map for the first phase following Phases A & B of the subdivision, Applicant/Owner/Subdivider shall submit detailed improvement plans showing all improvements required by this condition to the Resource Management Agency (RMA) for review and approval. The plans shall be prepared by a California licensed professional engineer. The improvements shall be constructed prior occupancy of the first unit of the first phase following Phases A & B of the subdivision. Owner/Subdivider shall enter into an Improvement Agreement to install any improvements not constructed prior to the acceptance of the Final Map for the first phase following Phases A & B of the subdivision and said agreement shall be recorded. Improvements shall be bonded prior to recordation of the Final Map for the first phase following Phases A & B of the subdivision.

8. PDSP004_NONSTANDARD_AMENDED CONDITION NO. 191 (MM#47 C-1)

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: MM #47 C-1.1 CUMULATIVE TRAFFIC AND CIRCULATION IMPACT C-1: ROADWAY SEGMENT OPERATIONS

The Applicant/Owner/Subdivider shall contribute to the County a pro-rata fair share of the cost for the following improvements: Widen Jolon Road to four travel lanes (two northbound and two southbound) between Pine Canyon Road and Highway 101 southbound ramps. The Jolon Road northbound approach to Pine Canyon Road shall include a left-turn lane and a shared through/right-turn lane. The Jolon Road southbound approach to Pine Canyon Road shall include a left-turn lane, a through lane, and a free (unrestricted) right turn lane. (RMA-Public Works)

Compliance or Monitoring Action to be Performed: For the purpose of determining the pro-rata fair share required by this condition, Applicant/Owner/Subdivider shall submit conceptual improvement plans showing all improvements required by this condition to the Monterey County Resource Management Agency (RMA) for review and approval, prior to approval of the Final Map for the first phase of the subdivision. The plans shall be prepared by a California licensed professional engineer. The engineer will also provide an engineer's estimate of the total cost of the improvements, including the cost of obtaining environmental clearances and the cost of construction.

The Applicant/Owner/Subdivider's traffic engineer shall determine the pro-rata fair share amount for each residential unit subject to the approval of the RMA prior to recordation of the Final Map for the first phase of the subdivision. The pro-rata fair share shall be paid prior to issuance of the building permit for each residential unit in the subdivision.

The pro-rata fair share shall be automatically adjusted as of July 1 of each year following the first year after the filing of the final map for the first Phase of the subdivision. The adjustment shall be calculated by the RMA based on the increase or decrease in the Engineering News Record Construction Cost Index for the San Francisco Bay Area for the period ending December 31 of the preceding calendar year.

The following note shall be placed on the final map for each phase of the subdivision: "Prior to issuance of the building permit for each residential unit in the subdivision, the lot owner/permit applicant shall contribute to the County a pro-rata fair share of the cost for the widening of Jolon Road to four travel lanes (two northbound and two southbound) between Pine Canyon Road and Highway 101 southbound ramps, as required by Condition of Approval No. 191. The pro-rata fair share shall be automatically adjusted as of July 1 of each year following the first year after the filing of the final map for the first Phase of the subdivision. The adjustment shall be calculated by the RMA based on the increase or decrease in the Engineering News Record Construction Cost Index for the San Francisco Bay Area for the period ending December 31 of the preceding calendar year."

9. PDSP005_NONSTANDARD_AMENDED CONDITION NO. 192 (MM#48 C-1.2)

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: MM #48 C-1.2 CUMULATIVE TRAFFIC AND CIRCULATION IMPACT C-1: ROADWAY SEGMENT OPERATIONS

The Applicant/Owner/Subdivider shall contribute to the County a pro-rata fair share of the cost for the following improvements: Widen Pine Canyon Road to four travel lanes with left turn channelization between Pettitt Road and Jolon Road. The eastbound Pine Canyon Road approach to Jolon Road shall include two left-turn lanes and a shared through/right-turn lane. (RMA-Public Works)

Compliance or Monitoring Action to be Performed:

For the purpose of determining the pro-rata fair share required by this condition, Applicant/Owner/Subdivider shall submit conceptual improvement plans showing all improvements required by this condition to the Monterey County Resource Management Agency (RMA) for review and approval, prior to approval of the Final Map for the first phase of the subdivision. The plans shall be prepared by a California licensed professional engineer. The engineer will also provide an engineer's estimate of the total cost of the improvements, including the cost of obtaining environmental clearances and the cost of construction. The Applicant/Owner/Subdivider's traffic engineer shall determine the pro-rata fair share amount for each residential unit subject to the approval of the RMA prior to recordation of the Final Map for the first phase of the subdivision. The pro-rata fair share shall be paid prior to issuance of the building permit for each residential unit in the subdivision.

The pro-rata fair share shall be automatically adjusted as of July 1 of each year following the first year after the filing of the final map for the first Phase of the subdivision. The adjustment shall be calculated by the RMA based on the increase or decrease in the Engineering News Record Construction Cost Index for the San Francisco Bay Area for the period ending December 31 of the preceding calendar year.

The following note shall be placed on the final map for each phase of the subdivision: "Prior to issuance of the building permit for each residential unit in the subdivision, the lot owner/permit applicant shall contribute to the County a pro-rata fair share of the cost for the widening of Pine Canyon Road to four travel lanes with left turn channelization between Pettitt Road and Jolon Road, as required by Condition of Approval No. 192. The pro-rata fair share shall be automatically adjusted as of July 1 of each year following the first year after the filing of the final map for the first Phase of the subdivision. The adjustment shall be calculated by the RMA based on the increase or decrease in the Engineering News Record Construction Cost Index for the San Francisco Bay Area for the period ending December 31 of the preceding calendar year."

10. PDSP006_NONSTANDARD_AMENDED CONDITION NO. 193 (MM#49 C-2)

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: MM #49 C-2.1 CUMULATIVE TRAFFIC AND CIRCULATION IMPACT C-2: INTERSECTION OPERATIONS

The Applicant/Owner/Subdivider shall install a traffic signal at the Jolon Road/Pine Canyon Road intersection. In addition to the lane configurations discussed in mitigation measures C-1.1 and C-1.2 (Condition Nos. 191 & 192), an acceleration lane shall be constructed on Pine Canyon Road to the west of the intersection, and the single-lane westbound Pine Canyon Road approach shall serve as a shared left/through/right lane (SEE NOTE BELOW) . All traffic improvement plans shall be subject to the approval of the Monterey County Resource Management Agency (RMA), prior to approval of the Final Map for the first project phase. Subdivider shall be responsible for obtaining all necessary permits and environmental clearances. Subdivider may enter into an agreement with the County for reimbursement from future development benefiting from this improvement. (RMA-Public Works)

NOTE: Condition No. 193: According to Monterey County Resource Management Agency records, the County has been collecting a traffic impact fee from development in the Pine Canyon area since 1990. The purpose of these fees is to fund improvements to the Pine Canyon/Jolon Road intersection. (Bryce Hori, personal communications, August 2004). Subdivider may enter into an agreement with the County for reimbursement from future development benefiting from this improvement.

Compliance or Monitoring Action to be Performed: Applicant/Owner/Subdivider shall submit detailed improvement plans showing all improvements required by this condition to the RMA for review and approval. The plans shall be prepared by a California licensed professional engineer. The plans shall be prepared, reviewed and approved by the RMA prior to issuance of the first building permit for a residential unit in the first phase following Phases A & B of the subdivision.

The traffic signal shall be installed prior to occupancy of the final residential unit of the first phase following Phases A & B of the subdivision. No building permits shall be issued for residential units on any phases subsequent to the first phase following Phases A & B of the subdivision until the traffic signal is installed. Owner/Subdivider shall enter into an Improvement Agreement to install any improvements not installed or constructed prior to the acceptance of the Final Map for the first phase following Phases A & B of the subdivision and said agreement shall be recorded. Improvements shall be bonded prior to recordation of the Final Map for the first phase following Phases A & B of the subdivision.