

*Before the Board of Supervisors
County of Monterey, State of California*

In the matter of the application of: **RIVER VIEW AT LAS PALMAS LLC (PLN150372)**
RESOLUTION NO. 24-282

Resolution by the Monterey County Board of
Supervisors:

1. Certify the River View Final Subsequent Environmental Impact Report (FSEIR) as augmented in September 2023; and
2. Adopt the following findings and Statement of Overriding Considerations.

[River View at Las Palmas Assisted Living Senior Facility, Toro Area Plan, (Assessor's Parcel Number: 139-211-035-000)]

The RIVER VIEW AT LAS PALMAS LLC application (PLN150372) came on for a public hearing before the Monterey County Board of Supervisors on June 4, 2024 and August 13, 2024. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Monterey County Board of Supervisors finds and decides as follows:

FINDINGS

- 1. FINDING: CALIFORNIA ENVIRONMENTAL QUALITY ACT (EIR) -**
The County of Monterey has completed the Final Subsequent Environmental Impact Report (FSEIR) examining the River View at Las Palmas Assisted Living Senior Facility Project in compliance with the California Environmental Quality Act (CEQA) guidelines. On March 14, 2024, staff presented the FSEIR, as augmented in September 2023, to the Planning Commission for consideration and recommendation to the County of Monterey Board of Supervisors. The Board of Supervisors reviewed and considered the information contained in the Draft SEIR prior to approval of the project. The FSEIR reflects the County of Monterey's independent judgment and analysis.

- EVIDENCE:** a) The project (Project) aligns with Alternative 3 – No Project/Existing Zoning (40-Lot Subdivision) analyzed in the SEIR (see Finding 4 and supporting evidence). The Project consists of the subdivision of one 15.64-acre parcel into 27 residential lots, four of which are designated for moderate and low income units, and an open space parcel as well as development on slopes in excess of 25% to allow subdivision improvements including the installation of roadways and utilities.

- b) In 2015, the County of Monterey received an application to allow a 190,00 square foot senior assisted living facility inclusive of 13 “Casitas”, a 27,000 square foot Assisted Living Facility, a 21,600 square foot Memory Care Facility and associated site development, including internal roadways and parking areas. CEQA requires preparation of an environmental impact report (EIR) if there is substantial evidence in light of the whole record that the project may have a significant effect on the environment. Due to the size and complexity of the proposed project, it was decided during the preliminary review that an EIR should be prepared to address potential impacts without the preparation of an Initial Study.
- c) A Draft Subsequent Environmental Impact Report (DSEIR) was prepared and circulated for public review from March 12, 2018 through April 25, 2018 (SCH # 2017031025). The DSEIR was prepared subsequent to the Las Palmas Ranch Specific Plan and Final EIR, adopted September 20, 1983 (see Appendix A to the Draft SEIR found as Exhibit E of the March 13, 2023 Planning Commission staff report).
- d) Issues that were analyzed in the DSEIR include Aesthetics, Agricultural and Forest Resources, Air Quality, Biological Resources, Greenhouse Gas Emissions, Cultural Resources, Geology and Soils, Hazardous Materials, Surface Hydrology, Mineral Resources, Noise, Public Services, Recreation, Solid Waste, Transportation, Energy, Wastewater, and Water Supply. The DSEIR identified potential significant impacts that are either less than significant or can be mitigated to less than significant levels on Aesthetics (impact to scenic vistas and introduction of light and glare), Air Quality (air pollutant emissions), Biological Resources (special status animal species and nesting birds), and Transportation (impact to intersections and State Route 68). See also Finding Nos. 2 and 3 and supporting evidence. The EIR also identified unavoidable significant Project impacts to Transportation (project level and cumulative level impacts to State Route 68) that cannot be mitigated to less than significant levels (see also Finding No. 4 and supporting evidence). As described in these findings and in the FSEIR, the mitigation measures avoid or substantially lessen the significant environmental effects to less than significant levels, or, for impacts identified as significant and unavoidable, all feasible mitigation measures have been incorporated, but even with such mitigation, the impacts remain significant.
- e) Public Review of the DSEIR. Public review of the DSEIR generated comments from the public and public agencies. The County of Monterey received 118 letters, including public agency comments from the Monterey Bay Air Resources District and the Monterey County Water Resources Agency; 9 comment letters were from various organizations and businesses and the remaining were from members of the public. Comment letters generally addressed the

following topics: Safety and Security; Fire Safety; Land Use Incompatibility, Property Value, and Quality of Life; Transportation/Traffic; Slope Stability and Stormwater Drainage; Visual Impacts; Wildlife Impacts; Noise; and Private Land Rights. The County responded to these comments and made revisions to the DSEIR. The County of Monterey prepared a FSEIR dated September 2019, including responses to all comments received on the DSEIR during the public review period, as well as amendments to the DSEIR made in response to these comments. On September 26, 2019, pursuant to CEQA Guidelines section 15088(b), the County notified those public agencies that submitted comments on the DSEIR that a FSEIR was available for review and provided its proposed responses to the public agency comments. The FSEIR was released to the public on September 27, 2019. Together, the DSEIR, the revisions to the DSEIR, the comments of persons and organizations commenting on the DSEIR, a list of all such persons and organizations, and the September 27, 2019 FSEIR containing responses to the comments, as well as the September 2023 augmentation to the FSEIR, constitute the Project's FSEIR.

- f) No Previous Action on the FSEIR. On February 12, 2020, the Planning Commission adopted Resolution Nos. 20-004, 20-005, and 20-006, recommending the Board of Supervisors certify the FSEIR, amend the Las Palmas Specific Plan and approve the project for a senior living facility. On October 12, 2021, the Board voted to return the matter to staff for further analysis of the original project with an expanded look into the EIR, community benefit analysis, and housing. The Board took no action on the FSEIR.
- g) Modified Project Scope. On September 2, 2022, the applicant modified the project from a senior assisted care facility to a 26 unit residential subdivision.
- h) Augmentation to FSEIR. In September 2023, the County of Monterey augmented the FSEIR to update the Project Objectives to provide: a range of housing and/or care options for persons who do not require 24-hour skilled nursing care; housing in/near an established community; and to address the need for housing. The augmentation also updated the alternatives, identifying "Alternative 3a" as the "No Project/Existing Zoning" (previously identified as Alternative 3, up to 40-lot residential subdivision) and introducing a new "Alternative 3b" for a Reduced No Project/Existing Zoning. Alternative 3b would include a subdivision of the project site of no more than 30 residential lots and an open space parcel. This is a conservative analysis of full residential buildout if all the required affordable housing units were provided onsite.
- i) Project (Alternative 3b) Impacts. Issues that were analyzed in the FSEIR, as augmented in September 2023, include Aesthetics, Air Quality, Biological Resources, Greenhouse Gas Emissions,

Transportation/Traffic and Water Supply. As demonstrated in Finding 2 and supporting evidence, potential Project impacts to Aesthetics, Air Quality, Biological Resources, Greenhouse Gas Emissions and Water Supply would be reduced to a less than significant level. As demonstrated in Finding 4 and supporting evidence, potential Project impacts to Transportation/Traffic would remain significant and unavoidable.

- j) Tribal Consultation. Pursuant to CEQA Guidelines section 15082, the County filed a Notice of Preparation (NoP) on March 7, 2017. At that time, the County had not received a request for consultation from a Native American tribe. Therefore, no consultation was conducted relative to Tribal Cultural Resources. Additionally, the project site is in an area of low archaeological sensitivity.
- k) 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). These documents are on file in HCD-Planning (File No. PLN150372) and are hereby incorporated herein by reference.
- l) No new mitigation measures are recommended following the change in the scope of work. However, two mitigation measures that were applied to the original proposal of the senior assisted living facility have been deleted since they do not apply to residential subdivisions. TRA-1 and TRA-2 within the EIR relate directly to employee transportation and managing traffic to avoid trips during peak traffic hours. Traffic trips cannot be managed for a residential subdivision; therefore, these two conditions have been removed from the proposed recommendation.
- m) County of Monterey HCD-Planning, located at 1441 Schilling Place South, 2nd Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to certify the FSEIR, as augmented in September 2023, is based.

2. FINDING:

EFFECTS WITH NO IMPACT OR LESS THAN

SIGNIFICANT IMPACT – The FSEIR found that Project will have no impact or less than significant impacts on the areas listed below and fully detailed in the FSEIR.

EVIDENCE:

- a) The Project would have no impact on the following categories, fully detailed in the FSEIR: Agricultural/Forest Resources, Hazardous Materials, Mineral Resources, Public Services, Parks and Recreation, and Solid Waste.
- b) Cultural Resources. As fully detailed in the FSEIR, the Project would have a less than significant impact on Cultural Resources. Monterey County GIS indicates that the project site has a low archaeological sensitivity. Additionally, the subdivision's 1983 EIR

concluded that no archaeological resources are known or suspected to exist on the project site.

- c) Geology and Soils. As fully detailed in the FSEIR, the Project would have a less than significant impact on to Geology and Soils. The Geological Hazards Report and Soil engineering Feasibility Investigation prepared for the project indicates that the site is in an area of low to very low potential for liquefaction, lateral spreading, subsidence, expansion, collapse, dynamic compaction, and ridgetop shattering. Erosion control measures would be implemented as a condition of project approval to ensure there would be no related impacts. Further, the proposed subdivision is located within the geologically stable building envelope shown on Sheet 1 of the report.
- d) Greenhous Gas Emissions. The proposed project would result in a total of 617 metric tons per year (MT/year) of CO₂e (carbon dioxide equivalent) during construction and 1,005 MT/year of CO₂e during operation, while Alternative 3b would generate approximately 560 MT/year of CO₂e during construction and 569 MT/year of CO₂e during operation. Both the proposed project and Alternative 3b's GHG emissions would be less than significant. No mitigation measures are required.
- e) Surface Hydrology. As fully detailed in the FSEIR, the Project would have a less than significant impact on Surface Hydrology. The Project is required to comply with the National Pollutant Discharge Elimination System (NPDES) Permit for Discharges of Storm Water Associated with Construction Activities and through implementation of Best Management Practices (BMPs), construction would not impact surface and groundwater water quality from storm water runoff. The Project will introduce new impervious surfaces on an undeveloped site. A preliminary storm water control plan for the Project was found to conform with storm drainage facility design standards and NPDES requirements would be implemented ensuring that there will be no impacts related to localized flooding. The Project has been conditioned accordingly.
- f) Noise. As fully detailed in the FSEIR, the Project will have a less than significant impact on Noise levels. The Project is not expected to produce significant temporary or continuous noise from on-site operations (single family dwellings) that would significantly increase exiting ambient noise levels and construction activities are subject to County of Monterey noise standards.
- g) Wastewater. As fully detailed in the FSEIR, the Project will have a less than significant impact on Wastewater. The Las Palmas Ranch Specific Plan area is served by Las Palmas Wastewater Treatment Plants 1 and 2, which are operated by California American Water Company. California American Water Company provided a "can and will serve" letter for the project and in 2017, there was service

capacity to treat up to 72,602 gallons per day. As demonstrated in the augmented FSEIR, the 30-lot residential subdivision is expected to have a water demand of 5 acre feet per year, or 4,464 gallons per day. Therefore, Project wastewater service is within of California American Water Company's capacity.

- h) Water Supply. The proposed project will have an estimated water demand of 11.376 AFY. The maximum 30 residences that may be constructed under Alternative 3b are expected to have a water demand of approximately 5.0 AFY (Monterey Peninsula Water Management District 2022), which is less than the water demand of the originally proposed project. Therefore, Alternative 3b will result in a less-than-significant impact to water supply, and impacts will be lesser than the originally proposed project.
- i) The River View at Las Palmas Assisted Living Senior Facility Project Draft SEIR dated January 29, 2018, FSEIR dated September 2019 and the augmentation to the FSEIR dated September 2023.
- j) The application, project plans, and related support materials submitted by the project applicant to County of Monterey HCD-Planning for the proposed development found in Project File PLN150372, including Board of Supervisors Resolution No. 24-349 approving the LPR SP amendment and the Board of Supervisors Resolution No. 24-350 approving the River View Combined Development Permit.

3. FINDING:

EFFECTS THAT ARE REDUCED TO A LEVEL OF "LESS THAN SIGNIFICANT" BY THE MITIGATION MEASURES IDENTIFIED IN THE SEIR AND MADE CONDITIONS OF APPROVAL OF THE PROJECT

– Alternative 3b will result in potentially significant impacts that will be mitigated to a less than significant level due to incorporation of mitigation measures from the SEIR into the conditions of project approval. Changes or alterations have been required in, or incorporated into, the Alternative 3b that mitigate or avoid the significant effects on the environment as identified in the FSEIR as augmented in September 2023.

EVIDENCE:

- a) The SEIR identified potentially significant impacts to Aesthetics, Air Quality, Biological Resources, and Energy that require mitigation as to all components of the project. Alternative 3b will have reduced impacts compared to the originally proposed senior assisted living facility; however, the impacts identified above will still be mitigated to a less than significant level with incorporation of mitigation measures from the FSEIR into the conditions of project approval. The Board of Supervisors considered project approval subject to such conditions of approval.
- b) Aesthetics. Alternative 3b will impact scenic vistas and the visual character of the site and introduce new sources of light and glare to

the project site and vicinity. Impacts to scenic vistas and the introduction of new sources of light and glare will be potentially significant but will be reduced to less-than-significant levels with the application of Mitigation Measures AES-1, AES-2, AES-3, and AES-4. Development facilitated by Alternative 3b will be less than the originally proposed project. The total area of the residential subdivision under this alternative will be approximately 160,000 square feet, 30,000 square feet less than the originally proposed project. Additionally, the scale and massing of up to 30 single-family residences (up to 20 feet in height) will be substantially reduced compared to the assisted care living facility, memory care living facility (up to 30 feet in height, located within a critical viewshed of the Toro Area Plan), and 13 Casitas residential buildings included in the originally proposed project. Alternative 3b will introduce less light and glare to the project site compared to the originally proposed project, and the removal of 10 fewer on-site trees (70 trees under Alternative 3b as compared to 80 trees under the proposed Project) will result in more similar views of the site from the viewshed of State Route (SR) 68, River Road, and Las Palmas #1 as under existing conditions. Additionally, on-site development under Alternative 3b will be similar to surrounding residential development. The single-family residences will be more visually consistent with the existing residences in the project vicinity and will not conflict with the Las Palmas Ranch Specific Plan Design Guidelines. Impacts to aesthetics under Alternative 3b will be reduced compared to the originally proposed senior assisted living facility, as development will be substantially reduced in scale. Mitigation Measures AES-1, AES-2, AES-3, and AES-4 apply to Alternative 3b to reduce impacts associated with views from SR 68, exterior lighting, and visual consistency with the existing landscape.

- c) Air Quality. Although reduced from the originally proposed project, Alternative 3b will have air quality-related impacts from emissions during construction. These impacts would be potentially significant but will be reduced to less-than-significant levels with the application of Mitigation Measures AQ-1 (Dust Control Measures), AQ-2 (Dust Control Site Monitor), and AQ-3 (Reduction of Construction Exhaust Emissions).
- d) Biological Resources. The proposed project will impact biological resources, including potential loss or disturbance of American badgers, potential loss or disturbance of burrowing owls, potential loss or disturbance of Monterey dusky-footed woodrats, potential loss or disturbance of special-status bats, and potential loss or disturbance of nesting birds. All potential impacts will be reduced to less-than-significant levels with implementation of Mitigation Measures BIO-1, BIO-2, BIO-3, BIO-4, BIO-5, and BIO-6. These mitigation measures will ensure pre-construction surveys are

completed prior to the start of construction. These surveys will help avoid impacts to the previously mentioned special status species. With the implementation of the BIO mitigation measures, the Project will also have a less-than-significant impact on impeding the movement of common wildlife. These mitigations have been incorporated into the Project as conditions of approval since the Alternative 3b still includes ground disturbance.

- e) Energy. Although the FSEIR determined that the Project would represent an extremely small fraction of the county's long-term energy consumption, mitigation measure ENG-1 was applied to ensure consistency with Las Palmas Ranch Specific Policies G-1 through 2. Therefore, this mitigation has been incorporated into the Project as a condition of approval.
- f) Traffic. Based on International Transportation Engineers (ITE) trip generation rates for each category, the originally proposed senior assisted living facility inclusive of an assisted living center and a memory care center (100 beds) and detached assisted living units (26 units; 42 beds) would have generated approximately 362 daily trips (26 for assisted living and memory care center and 96 for senior adult housing units). As revised, the Project will result in less-than significant impacts to area intersections and roadways segments of River Road. A Traffic Impact Analysis was prepared for Alternative 3b by Keith Higgins, Traffic Engineer, in December 2022. The Traffic Impact Analysis was revised with a memo in March 2022 to estimate traffic impacts associated with up to 30 residences. Alternative 3b is expected to generate trips at a similar rate to existing residences near the project site. Up to 30 lots facilitated by Alternative 3b are expected to generate approximately 264 daily trips, with 20 AM peak hour trips and 26 PM peak hour trips. This is a reduction of 98 trips per day, or 27 percent fewer trips compared to the originally proposed project. The addition of these trips to area roadways is expected to result in imperceptible increases in delay on area roadways, and no change in level of service from existing conditions. Alternative 3b will have a less significant impact on traffic to area intersections and roadways segments of River Road, as opposed to the originally proposed senior assisted living facility. As previously mentioned in Finding 1, Evidence "I", two mitigation measures were applied to the original proposal for the senior assisted living facility; however, those do not apply to the proposed residential subdivision.
- g) The River View at Las Palmas Assisted Living Senior Facility Project Draft SEIR dated January 29, 2018, Final SEIR dated September 2019 and as augmented in September 2023, including Board of Supervisors Resolution No. 24-349 approving the LPR SP amendment and the Board of Supervisors Resolution No. 24-350 approving the River View Combined Development Permit.

4. FINDING:

EFFECTS POTENTIALLY SIGNIFICANT

ENVIRONMENTAL IMPACTS – 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 SEIR into the conditions of project approval, as further described in the evidence below. Specific economic, legal, social, technological, and other considerations make additional mitigation infeasible.

EVIDENCE:

- a) Traffic – Project Level Impact. Section 17.0 of the augmented FSEIR discusses significant and unavoidable impacts to Transportation that could result from the originally proposed project and Alternative 3b that would not be mitigated to a less than significant level, even with incorporation of mitigation measures from the SEIR into the conditions of project approval. As explained in Finding 3, Evidence “f”, Alternative 3b will reduce traffic by 98 trips per day, or 27 percent fewer trips compared to the originally proposed project. However, the Project will still result in a significant and unavoidable impact by adding additional traffic to SR 68 during peak hours. Therefore, as SR 68 continues to operate at LOS F during peak hours, Alternative 3b will also result in significant and unavoidable impacts to the level of service of SR 68.
- b) Traffic – Cumulative Level Impact. The DSEIR explained that SR 68 is projected to operate at LOS F and under cumulative plus project conditions, the DSEIR concluded that the originally proposed project would contribute to incremental increases in cumulative traffic volumes on SR 68 and would, therefore, contribute to a significant cumulative impact. Although there are no mitigation measures available to reduce cumulative impacts to a less than significant level, the owner/applicant is still required to pay regional traffic impact fees to partially mitigate its impacts by funding SR 68 improvements. Payment of regional traffic fees has been incorporated into the project as a condition of approval.
- c) The River View at Las Palmas Assisted Living Senior Facility Project Draft SEIR dated January 29, 2018, FSEIR dated September 2019 and as augmented in September 2023, including Board of Supervisors Resolution No. 24-349 approving the LPR SP amendment and the Board of Supervisors Resolution No. 24-350 approving the River View Combined Development Permit.

5. FINDING:

ALTERNATIVES TO THE PROPOSED PROJECT - A

reasonable range of potentially feasible alternatives to the proposed project have been considered in compliance with CEQA Guidelines section 15126.6. The EIR as augmented, considered the alternatives described below and as more fully described in the Draft SEIR.

- EVIDENCE:** a) Per CEQA Guidelines section 15126.6, an EIR shall describe a range of reasonable alternatives to the proposed project, or to the location of the project, which could feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project. It also requires an evaluation of the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project but must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation. Section 17.0 of the augmented FSEIR described and analyzed a reasonable range of alternatives, including a no project alternative, and evaluated their comparative merits. The discussion of each alternative presented sufficient information to allow meaningful evaluation, analysis, and comparison with the proposed project. Per CEQA Guidelines section 15126.6(e), the alternatives discussion also identified an environmentally superior alternative. Table 17-1 of the DSEIR summarizes the potential impacts of the various project alternatives. See also Evidence “b” through “l” below.
- b) CEQA Guidelines section 15126.6(a) requires a description of reasonable alternatives to the proposed project, or to the location of the project, which could feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project. It also requires an evaluation of the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project but must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation. CEQA Guidelines section 15126.6(b) further requires that the discussion of alternatives focus on those alternatives capable of eliminating any significant adverse environmental impacts or reducing them to a level of insignificance, even if these alternatives would impede to some degree the attainment of the project objectives or would be more costly. CEQA Guidelines section 15126.6(e) stipulates that a “no project” alternative be evaluated along with its impacts. CEQA Guidelines section 15126.6(d) requires the EIR to present enough information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project. If an alternative would cause one or more significant effects in addition to those that would be caused by the project as proposed, the significant effects of the alternative shall be discussed, but in less detail than the significant effects of the project as proposed. CEQA Guidelines section 15126.6(e) requires the identification of an environmentally superior alternative. If the “No Project” alternative is the environmentally superior alternative, then the environmentally superior alternative amongst the remaining alternatives must be identified.

- c) Alternative 1 – No Project/No Development. The “no project/no development” alternative assumes no development would occur on the project site. The project site would continue to be vacant land, partially used for grazing. Under this alternative, there would be no potential adverse impacts to aesthetics, air quality, biological resources, energy, or transportation. Additionally, the No Project/No Development Alternative would not meet any of the project objectives.
- d) Alternative 2 – No Project/Minimum Use. The “No Project/Minimum Use” alternative assumes the proposed project would not be constructed or operated on the project site. Instead, this alternative considers the construction of the minimum allowable use on the subject property, which would be one single family dwelling and any accessory structures considered incidental to residential use, such as barns and storage buildings. The No Project/Minimum Use alternative would not necessarily reduce significant project impacts because this alternative would also leave open the opportunity for future development of the project site as described in the alternative, thereby still resulting in potential impacts to aesthetics, air quality, biological resources, energy, as well as significant unavoidable impacts to transportation. Although the potential impacts would be reduced, they would not be eliminated under this alternative. This alternative would not address the project objective of addressing the critical need for housing for residents of the community in need of suitable housing options. The subject parcel is zoned for Medium Density Residential, 2.61 units per acres, by building only on single family dwelling on the property zoned for approximately 40 lots, it would not fully utilize the potential for the parcel. Therefore, the No Project/Minimum Use alternative is not favorable because it does not fully meet the project objectives.
- e) Alternative 3a – No Project/Existing Zoning (40-Lot Subdivision). As opposed to Alternative 2, Alternative 3a would fully utilize the site as it is zoned Medium Density Residential. This alternative would utilize the property to its full extent with an allowed residential use; however, it would have similar significant impacts as the originally proposed senior assisted living facility. It would also require significantly more development on slopes in excess of 25% to provide 40 residential units that are a minimum of 6,000 square feet in area. Additionally, impacts to Air Quality, Water Supply, Visual Resources and Biological Resources would all be impacted due to the size of the project. Although this alternative would address the project objectives and be economically viable for the applicant, it would not significantly reduce environmental impacts from the originally proposed senior assisted living facility.
- f) Alternative 3b – Reduced No Project/Existing Zoning (Up to a 30-Lot Subdivision). The “Up to 30-Lot Subdivision” Alternative is the

currently proposed project as it meets the project objectives while reducing the impacts analyzed under the FSEIR for the senior assisted living facility. This alternative would allow utilization of the 15.64-acre lot to its full extent while reducing impacts analyzed for the senior assisted living facility. This option would allow the applicant to subdivide the parcel into 30 residentially zoned parcels and one open space parcel. The augmented FSEIR analyzed the potential impacts to Aesthetics, Air Quality, Biological Resources, Greenhouse Gas Emissions, Transportation/Traffic and Water Supply and found the impacts of Alternative 3b to be less than those associated with the original proposal. It would, however, still produce a significant and unavoidable impact to traffic on SR 68 (see Finding 4 and supporting evidence), as would all of the proposed project alternatives with the exception of the no project alternative. This alternative meets most the project objectives

- g) Alternative 4 – Reduced Project. The “Reduced Project” alternative includes a reduced development footprint. For conceptual purposes, Alternative 4 eliminates the casitas from the originally proposed project. This would result in the loss of 26 living units with 42 beds, representing 30 percent of the total beds of the proposed project, and would result in a proportionate reduction in environmental impacts. Therefore, under this reduced project scenario, development on the project site would include the assisted living facility and memory care living facility, and other associated site improvements. Although the Reduced Project alternative would reduce significant project impacts, it would still result in potential impacts requiring mitigation to aesthetics, air quality, biological resources, energy, as well as significant unavoidable impacts to transportation. The Reduced Project alternative is not proposed. Additionally, Alternative 4 would have more impacts to visual resources and aesthetics as the assisted living center and memory care center would be subject to a 30 foot height limit, opposed to the residential homes of Alternative 3b which would be subject to a 20 foot height limit. Additionally, the commercial operation would require onsite employees, this would have greater impacts on traffic than any residential alternative. Although this may be a feasible alternative, it is not the best option when analyzing all the potential impacts from the original project and each alternative.

- h) Alternatives Considered but Rejected. An alternative site was considered but rejected from further consideration. The site is considered to be an appropriate location for the proposed project based upon the specific plan land use designation, County zoning designations, and the space available to allow the creation of a tranquil, natural setting while also being located in an established neighborhood. The proposed location also offers amenities within a

5 mile radius including hospitals and doctors on Romie Lane in west south Salinas, shopping, and regional roadway access.

Having an alternative access to the project site was also considered as an alternative, but rejected from further consideration. Alternative access either directly from River Road or as a new internal subdivision roadway would not decrease impacts of the proposed project and may result in increased impacts as compared to the proposed project, such as increased traffic, visual, biological, and impacts to recreational areas associated with entry from River Road.

- i) Environmentally Superior Alternative. The No Project/No Development Alternative (Alternative 1) would result in no potential adverse environmental impacts, but would not meet any of the proposed project objectives and would leave the parcel open to future development. The No Project/Minimum Development Alternative (Alternative 2) would result in less environmental impacts than the proposed project but would not meet any of the proposed project's objectives. The No Project/Existing Zoning (40-unit subdivision) alternative (Alternative 3a) would result in a similar level of impacts as the proposed project; however, the impacts would be greater in most resource areas than the other alternatives. The Reduced No Project/Existing Zoning (30-unit subdivision) alternative (Alternative 3b) would meet most of the objectives of the proposed project and be less impactful than alternative 3a. The Reduced Project (Alternative 4) applied to the senior care facility project but extending the same concept to a residential project, it would have an overall reduction in intensity of potential impacts based on the overall reduction in development on the project site, but it would not meet the project objectives to the same extent. Therefore, the environmentally superior alternative that would meet most of the objectives of the proposed project would be the reduced no project/existing zoning (30-unit subdivision) alternative (Alternative 3b).

- j) The River View at Las Palmas Assisted Living Senior Facility Project Draft SEIR dated January 29, 2018, FSEIR dated September 2019 and as augmented in September 2023, including Board of Supervisors Resolution No. 24-349 approving the LPR SP amendment and the Board of Supervisors Resolution No. 24-350 approving the River View Combined Development Permit.

6. FINDING:

CEQA (Statement of Overriding Considerations) – On the basis of the whole record before the Monterey County Board of Supervisors, the Board has balanced, as applicable, the economic, legal, social, technological, or other benefits of the Project against its unavoidable, significant impacts and adopts a Statement of Overriding Considerations finding that the economic, legal, social,

- technological, or other benefits of the Project outweigh its unavoidable, adverse environmental effects.
- EVIDENCE:**
- a) As reflected in the DSEIR and FSEIR, the Project would have potentially significant and unavoidable impacts, at project specific and at a cumulative level, related to traffic conditions on SR 68 by adding traffic trips to highway segments that operate and unacceptable levels of service during peak hours. It should be noted that the DSEIR was prepared and circulated prior to the requirement to analyze vehicle miles traveled instead of levels of service on roadways.
 - b) The Project will result in development that will provide benefits described herein to the surrounding community and the County as a whole.
 - c) The project would provide the following benefits to the public:
 - On October 12, 2021, the Board of Supervisors considered the previous project scope for a senior assisted living facility. It was the Board's decision to return the matter back to staff for further analysis of modified project scope that provides a greater public benefit through establishing more housing.
 - Provide housing in an area of limited new home construction that needs residential units due to a housing shortage. Housing production in Monterey County has not kept up with its needs. According to the County's 2022 Annual Progress Report (APR), 2,034 building permits for housing units were issued in the County during the 5th Cycle Housing Element. Of this total, 226 were very low-income, 249 were low-income, 35 were moderate income, and 1,526 were above moderate-income, representing 60%, 101%, 12%, and 234% of the County's 5th Cycle Regional Housing Needs Allocation (RHNA). The project will provide four low and two moderate-income units onsite.
 - Four onsite low-income units, two onsite moderate-income units and an in-lieu fee of \$80,305 to support other affordable housing projects in the County will be provided. In Monterey County, median home prices for ownership residences increased 93% and median rent has increased by 65% between 2014 and 2022 (according to Zillow home price data), while median household income (reported by the U.S. Census Bureau) only increased 31% during the same period. According to the Comprehensive Housing Affordability Strategy (CHAS) 2015-2019 American Community Survey (ACS) data provided by Association of Monterey Bay Area Governments (AMBAG) August 2022, 15% of households in the Unincorporated County spend 50% or more of their income on rent.

- Clustered design of the subdivision promotes affordability by design. The average lot size of the residential parcels is 5,729 square feet and the maximum site coverage in the Medium Density Residential Zoning district is 35%. Except for the 1,500 square foot inclusionary housing units, the average size home, inclusive of an attached garage, would be just over 2,000 square feet due to the 20 foot height limit.
- By subdividing and developing the lots with single family dwellings, the property value of the River View property would go up and the County would benefit from the associated increased property tax.
- The increase of residents due to the increased housing units would contribute to an increase of local spending.
- The Project is consistent with the existing neighborhood character of the Las Palmas subdivisions and received support from multiple residents of the area. During the October 23, 2023 Toro Land Use Advisory Committee meeting, members of the public expressed that they were either in favor of the Project, as opposed to their objection to the senior care facility. Staff received a letter from Christine Kemp, dated April 27, 2022, on behalf of the Las Palmas Ranch Master Association No. 1 stating that the association finds that the Project is a preferred alternative to the senior living facility.
- The Project will create economic benefits to the County and the economy through the creation of jobs for construction (temporary).
- The Project will permanently preserve over 10 acres of land as conservation-oriented open space on the project site. This area will be reserved for native landscaping and will not be available for development other than a small park to satisfy the Quimby Act requirement.
- As required by Mitigation Measure CTRA-1, the applicants will pay applicable Transportation Agency for Monterey County (TAMC) and County of Monterey traffic impact fees. These fees will go towards road maintenance and repair to help compensate for the added traffic to Highway 68. As required by 2010 General Plan Policy C-1.8, the project has also been conditioned requiring the applicant pay a County-wide traffic fee. These fees will address impacts on the County's circulation system.
- Approval allows development of the last undeveloped portion of Las Palmas Ranch identified for development in the LPRSP, the 2010 General Plan, 2010 Toro Area Plan. LPR SP Chapter II, Section C, Policy 11 states that a Development Incentive Zone of ten acres shall be provided

within the areas designated in the specific plan for medium density residential development. The property is Medium Density Residential, 2.61 units per acre, with a Design Control overlay. The project will result in a density of 1.8 units/acre which is well below the allowance. This reduced density allows the residential lots to be clustered on a plateau resulting in providing approximately 12 acres of rolling hills protected as open space.

- The project places additional housing opportunities in an area the furthers fair housing. The River Road area and the Las Palmas Ranch subdivision is an area of affluence.
- d) The River View at Las Palmas Assisted Living Senior Facility Project Draft SEIR dated January 29, 2018, FSEIR dated September 2019 and as augmented in September 2023, including Board of Supervisors Resolution No. 24-349 approving the LPR SP amendment and the Board of Supervisors Resolution No. 24-350 approving the River View Combined Development Permit.

7. FINDING:

MITIGATION MONITORING PROGRAM - Per Public Resources Code section 21081.6, the County is adopting a reporting and monitoring plan for the changes made to the project and to ensure conditions of project approval are enforceable. Such revisions and mitigations measures mitigate or avoid significant effects on the environment to the extent feasible.

EVIDENCE:

- a) On March 13, 2024, the Planning Commission recommended that the Board of Supervisors adopt a Mitigation Monitoring and Reporting Plan for the Project. See Resolution No. 24-005.
- b) The mitigation measures identified in the FSEIR are incorporated as conditions of approval and are included as an attachment to Resolution No. 24-350 for the project. As mentioned above in Finding 1 evidence “1”, two mitigation measures were applied to the original senior assisted living facility have been deleted since they do not apply to residential subdivisions. TRA-1 and TRA-2 within the EIR relate directly to employee transportation and managing traffic to avoid trips during peak traffic hours. Traffic trips cannot be managed for a residential subdivision; therefore, these two conditions have been removed from the proposed recommendation.
- c) All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval to the extent feasible. 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 Program” as a condition of project approval of PLN150372.

- d) The River View at Las Palmas Assisted Living Senior Facility Project Draft SEIR dated January 29, 2018, FSEIR dated September 2019 and the Augmentation to the FSEIR dated September 2023, including Board of Supervisors Resolution No. 24-349 approving the LPR SP amendment and the Board of Supervisors Resolution No. 24-350 approving the River View Combined Development Permit.

8. FINDING:

RECIRCULATION NOT REQUIRED – No significant new information has been added to the augmentation to the Final SEIR 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 less than significant;
- 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 DEIR 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.

- 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, and SEIR since the public notice of availability of the Draft SEIR, meets those criteria.
- b) All the text revisions to the Draft SEIR 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. Additionally, after considering all comments received on the Draft SEIR, the County finds that the changes do not trigger recirculation of the Draft SEIR.
- c) After circulation but prior to certification of the SEIR, the analysis has been augmented to include Alternative 3b which includes consideration of a 30 lot residential subdivision. As described in the augmented SEIR, evidence has been provided that demonstrates the

added alternative will not result in a new significant environmental impact or require new mitigation measures to address new or more severe impacts [section 15088.5(1)]. The revisions do not constitute a substantial increase in the severity of an environmental impact [section 15088.5(2)]. Although Alternative 3b has been introduced, it is substantially similar to an existing alternative (Alternative 3a) which includes a 40 lot residential subdivision.

- d) Technical reports by outside consultants concluded no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. The following reports have been prepared for this Project, and were also used in the preparation of the EIR:

- “Geologic Hazards Report and Soil Engineering Feasibility Investigation” (LIB150359) prepared by LandSet Engineers, Inc., Salinas, California, March 7, 2014
- “Biological Assessment” (LIB150360) prepared by Regan Biological and Horticultural Consulting LLC, Carmel Valley, California, December 15, 2011
- “Biological Assessment Update” (LIB150360) prepared by Regan Biological and Horticultural Consulting LLC, Carmel Valley, California, October 25, 2013
- “Trip Generation Study” (LIB150361) prepared by Hatch Mott MacDonald, Gilroy, California, March 12, 2014
- “Trip Generation Study” (LIB160001) prepared by Hatch Mott MacDonald, Gilroy, California, December 14, 2015
- “Riverview At Las Palmas Residential Subdivision Transportation Impact Analysis” (LIB230291) prepared by Keith Higgins, Gilroy, California, January 19, 2022
- “Biological Assessment for Riverview at Las Palmas Subdivision” (LIB230290) prepared by Pat Regan, Salinas, California, December 3, 2021

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

- e) The revisions presented in the augmentation to the FSEIR do not constitute significant new information. The revisions primarily incorporate analysis of a new alternative, with a comparison of the alternative’s impacts to those of the originally proposed senior assisted living facility. As such, these revisions do not result in a new significant environmental impact or require new mitigation measures [CEQA Guidelines section 15088.5(1)]. Similarly, the additional air quality and greenhouse gas modeling conducted in support of the augmentation to the FSEIR provide additional information that is supportive of the conclusions. For the same reasons, the revisions do not constitute a substantial increase in the

severity of an environmental impact [CEQA Guidelines section 15088.5(2)]. Although a new alternative (Alternative 3b) is introduced, it is substantially similar to an existing alternative (Alternative 3a). In addition, the project's proponent has not declined to adopt an alternative that would clearly lessen the environmental impacts of the proposed project. As such, CEQA Guidelines section 15088.5(3) requiring recirculation of an EIR does not apply. Meaningful public review and comment have not been precluded as the reduced alternative is intuitively less impactful and the revised alternative analysis only acts to support that intuition with evidence. As noted previously, the County received 118 comment letters on the Draft SEIR, including 103 from members of the public. These reviewers had the opportunity to review Section 17.0, Alternatives, of the DSEIR, which included a 40-lot subdivision (Alternative 3, No Project/Existing Zoning [40-Unit subdivision]; referred to as Alternative 3a in this Augmentation to the FSEIR). The new Alternative 3b is substantially similar to Alternative 3a, as it would result in an up to 30-lot subdivision on the same site. Therefore, this new alternative is not so substantially different such that the public is being deprived of a meaningful opportunity to comment by its addition. The addition of Alternative 3a and associated revisions to the alternatives analysis instead clarifies, amplifies, and makes insignificant modifications to the Draft SEIR. (See Finding No. 7 and supporting evidence)

- f) See also Finding Nos. 1, 3, and 4, and supporting evidence.
- g) The River View at Las Palmas Assisted Living Senior Facility Project Draft SEIR dated January 29, 2018, FSEIR dated September 2019 and the augmentation to the FSEIR dated September 2023, including Board of Supervisors Resolution No. 24-349 approving the LPR SP amendment and the Board of Supervisors Resolution No. 24-350 approving the River View Combined Development Permit.

9. FINDING:

FISH AND WILDLIFE 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 (CDFW) reviewed the DSEIR. All land development projects that are subject to environmental review are subject to a state filing fee plus the County recording fee, unless the CDFW determines that the project will have no effect on fish and wildlife resources. The site supports biological and forest resources. For purposes of the Fish and Game Code, the project will have a significant adverse impact on the fish and wildlife resources upon which the wildlife depends. Therefore, the project will be required to pay the State fee in effect at the time of the recordation of the Notice of Determination (NOD) to the

County of Monterey Clerk/Recorder for processing said fee and posting the NOD.

- b) The River View at Las Palmas Assisted Living Senior Facility Project Draft SEIR dated January 29, 2018, FSEIR dated September 2019 and the augmentation to the FSEIR dated September 2023.
- c) The application, project plans, and related support materials submitted by the project applicant to County of Monterey HCD-Planning for the proposed development found in Project File PLN150372, including Board of Supervisors Resolution No. 24-349 approving the LPR SP amendment and the Board of Supervisors Resolution No. 24-350 approving the River View Combined Development Permit.

DECISION

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

1. Certify the River View Final Subsequent Environmental Impact Report (FSEIR) as augmented in September 2023; and
2. Adopt the following findings and Statement of Overriding Considerations.

PASSED AND ADOPTED on this 13th day of August 2024, by roll call vote:

AYES: Supervisors Alejo, Church, Lopez, Askew, and Adams

NOES: None

ABSENT: None

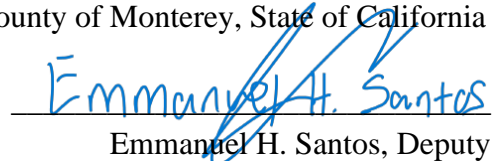
I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 82 for the meeting on August 13, 2024.

Dated: October 17, 2024

File ID: RES 24-140

Agenda Item No. 72

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


Emmanuel H. Santos, Deputy

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

NOTES

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

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

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

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

Form Rev. 1-27-2021