



# Monterey County

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## Board Report

Legistar File Number: RES 18-076

June 19, 2018

**Introduced:** 6/7/2018

**Current Status:** Scheduled PM

**Version:** 1

**Matter Type:** BoS Resolution

PLN020016 - AMD1/MORISOLI-AMARAL (Amaral Ranches et al)

Public hearing to consider an amendment to Condition of Approval No. 50 of the Morisoli-Amaral Combined Development Permit (PLN020016) to allow the use of Via Canada as an interim primary access for Phases A and B of the subdivision.

Proposed CEQA Action: Consider Addendum together with previously certified EIR for the Tavernetti Residential Subdivision (SCH#9704129)

Location: The subdivision is located west of the Pine Canyon Road and Pettitt Road intersection approximately two miles southwest of King City.

### RECOMMENDATION:

It is recommended that the Board of Supervisors adopt a resolution to:

- a. Consider an addendum together with the Tavernetti Residential Subdivision Environmental Impact Report (SCH #97041029), certified in 2006, pursuant to Section 15164 of the CEQA Guidelines.
- b. Amend Condition of Approval No. 50 of the Morisoli-Amaral Combined Development Permit to allow the use of Via Canada as an interim primary access for Phases A and B of the subdivision.

A draft resolution, including findings and evidence, is attached for consideration (**Attachment A**).

Staff recommends approval.

### PROJECT INFORMATION:

**Planning File Number:** PLN020016-AMD1

**Owner:** Amaral Ranches Et Al

**Project Location:** 50730 Pine Canyon Rd

**APNs:** 221-122-025-000, 221-122-038-000, 221-155-013-000, 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

**Agent:** Lombardo and Associates

**Plan Area:** Central Salinas Valley Area Plan

**Flagged and Staked:** No

**CEQA Action:** Consider an Addendum to Environmental Impact Report (SCH #97041029) Pursuant to Section 15164 of the CEQA Guidelines

### SUMMARY:

The applicant (Amaral Ranches et al) is requesting an amendment to Condition No. 50 of the Morisoli-Amaral Combined Development Permit (PLN020016, formerly named Tavernetti Residential Subdivision). The amendment will require improvements to Via Canada between Pine

Canyon Road and the approved subdivision to allow Via Canada to serve as interim primary access for Phases A and B of the project. Modification of the Condition will allow development of Phases A and B, a total of 28 residential lots, to occur with the use of Via Canada as the primary access prior to the design and construction of Pettitt Road. Development of any additional phases past A and B of the subdivision will require full design and construction of Pettitt Road. At that point, Pettitt Road will become the primary access for all phases, including those previously constructed, and Via Canada will become an exclusively emergency access.

#### DISCUSSION:

##### **Background**

On February 14, 2006, the Board of Supervisors approved a Combined Development Permit (Resolution No. 06-043 (PLN020016/Morisoli- Amaral)) 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).

The Vesting Tentative Map shows 15 phases of the subdivision.. The Combined Development Permit was subject to 223 conditions of approval, including Condition No. 50, which required improvements to Via Canada between Pine Canyon Road and the subdivision limits for emergency access. The previously approved condition reads as follows:

*“Subdivider shall improve Via Canada between Pine Canyon Road and the subdivision site as an emergency access only as approved by the Department of Public Works. 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 landowner’s 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 of right-of-way through negotiation or eminent domain. Subdivider shall fund the cost of the County’s land/right-of-way and related court proceedings.”*

Via Canada is currently owned by the applicant, and the applicant has requested that Via Canada be used as an interim primary access for subdivision Phases A and B. However, the subdivision project was approved with primary access via Pettitt Road per Condition 189. Per the approved Condition No. 50, Via Canada was approved for use as emergency access only. Section 4.7 (Traffic and

Circulation) of the Final Environmental Impact Report (EIR) (SCH#9704129) for the Morisoli-Amaral project notes that a change in the intended use of Via Canada occurred between the Draft EIR and the Final EIR: *“The Monterey County Public Works Department reviewed the Amendment to the Draft EIR for the Morisoli-Amaral Subdivision and commented on the proposed mitigations and updated vesting tentative map design in relation to traffic impacts. In the Draft EIR, the project had one access road (Pettitt Road) and an emergency-only road. The vesting tentative (map) shows access from Pettitt Road and includes also a secondary access from Via Canada. The addition of a full secondary access can be accommodated for the project with the application of proper engineering standards.”* Amending the condition, as stated in Attachment B, will allow Via Canada to serve as interim primary access for Phases A and B, thereby allowing development for Phases A and B to move forward prior to the design and construction of Pettitt Road.

As amended, Condition No. 50 will allow Via Canada to serve as primary access for Phases A and B only until the development of any other Phases in the subdivision. Construction of any other phase will require that Pettitt Road be designed and constructed as the primary access as shown on the Vesting Tentative Map and as required by Condition No. 189. At that time, the subject section of Via Canada will become an exclusive emergency access for the subdivision, as originally stated in Condition No. 50.

### **Traffic Analysis**

Phases A and B contain a total of 28 lots, as defined in the Vesting Tentative Map. A Traffic Analysis (Attachment D) was prepared for this condition amendment by Keith Higgins, Traffic Engineer, to analyze the use of Via Canada as a primary access to serve these 28 lots as well as the 20 existing and future homes in the Via Canada de la Paz subdivision and eight existing homes near Pine Canyon Road. Timing of construction of future phases of the Morisoli-Amaral project is unknown and cannot be guaranteed. So, the traffic analysis was conducted as though Via Canada would continue to serve as the primary access for Phases A and B indefinitely with no construction of future phases, and no credit given for the interim status as primary access. Monterey County RMA independently reviewed the report and concurred with the analysis with some modifications. Improvements recommended in the analysis have been incorporated into the Condition text and include:

- 1) Widening a 600 foot long section of Via Canada (Segment 2) to meet the 20 foot minimum width requirement for a Private Rural Sidehill Road according to County Standards
- 2) Trimming branches on an existing oak tree on the inside curve of Pine Canyon Road to improve sight distance from Via Canada.
- 3) Improvements to the Via Canada intersection consisting of:
  - a) Reconfiguration of an existing residential driveway to prevent direct egress to Pine Canyon Road
  - b) Installation of a stop sign and related traffic control signage, pavement legend, and delineators.

Improvements recommended are consistent with Public Works' comments from the FEIR as related to proper engineering standards. In consultation with the project's traffic engineer, Public Works staff has determined that allowing the existing residential driveway at the Via Canada intersection to serve

as ingress only will resolve safety concerns related to having direct egress onto Pine Canyon Road. The Subdivision improvements will be designed to prevent egress onto Pine Canyon Road from this driveway.

Roadway access to the project site is to be provided by the proposed Quail Hills Road, which would extend through the project and connect directly to Via Canada. CalFire reviewed the proposed change in primary access for Phases A and B, and determined that adequate access could be achieved by improving Quail Hills Road its full length to connect with Via Canada at both ends at this time, thereby providing two routes to and from Phase A. For Phase A, the portion of Quail Hills Road will be paved with a minimum 12' wide lane, and adequate turn-outs will be provided. For Phase B and other future phases, Quail Hills Road will be widened to 20 feet minimum. The amended condition text reflects this requirement.

### **CEQA**

An Addendum to a previously certified EIR may be prepared when "some changes or additions are necessary but none of the conditions described in section 15162 calling for preparation of a subsequent EIR have occurred." (Section 15164 of the California Environmental Quality Act (CEQA) Guidelines.) Pursuant to Section 15162 of the CEQA Guidelines, a subsequent or supplemental EIR is not required unless the lead agency determines, on the basis of substantial evidence in light of the whole record, that substantial changes are proposed in the project, substantial changes under which the project is undertaken, or new information of substantial importance requires major revisions due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The proposed amendment does not present a substantial change to the identified environmental impacts previously discussed and addressed in the EIR (SCH #9704129) adopted for the subdivision.

The EIR (SCH#9704129) did not specifically analyze the Pine Canyon Road / Via Canada intersection because at the time of the Draft EIR, it was anticipated that at project buildout, Via Canada would only be used by the project for emergency access. However, the EIR did analyze the Pine Canyon Road / Pettitt Road intersection, which will serve as primary access at project buildout. The EIR determined that this intersection would operate at an overall 'A' Level of Service at General Plan Buildout with stop control only at Pettitt Road. The lowest level of service movement of this intersection, the Pettitt Road left turn onto northbound Pine Canyon Road, was forecasted to operate at Level of Service 'C', which is well within acceptable levels. The Pine Canyon / Via Canada intersection is projected to operate with only 18% as much traffic on Via Canada on an interim basis, and this amount will only decrease in future phases of development. Therefore, no Level of Service impacts will result at this intersection. The attached addendum to the EIR (Attachment C) analyzes this change to the project and concludes that it is a minor change that will not result in a new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

Although the subject section of Via Canada was not analyzed in the Draft EIR as a primary access for Phases A and B, it was expected to serve as an emergency access route, and improvements were already required by Condition No. 50 to enable the road to meet emergency access standards. Additionally, the Final EIR notes that Via Canada was considered a secondary access route prior to project approval, and that full secondary access could be accommodated with proper engineering

standards. The amendment to Condition No. 50 to allow interim primary access and require improvements does not represent a substantial change from the situation analyzed in the Draft EIR and was acknowledged in the Final Environmental Impact Report.

OTHER AGENCY INVOLVEMENT:

The following agencies have reviewed the project, have comments, and/or have recommended conditions:

Environmental Health Bureau  
RMA-Public Works  
RMA-Environmental Services  
Water Resources Agency  
South County Fire Protection District

The proposed project was not reviewed by a Land Use Advisory Committee because there is no Land Use Advisory Committee (LUAC) established for the Central Salinas Valley Area. In addition, the project would not warrant referral to a LUAC based on the current review guidelines adopted by the Monterey County Board of Supervisors per Resolution 15-043 because the proposed amendment does not present substantial change to identified environmental impacts previously discussed and addressed in the EIR (SCH#9704129) adopted for the subdivision in accordance with Section 15162(a) of the CEQA guidelines.

FINANCING:

Funding for staff time associated with this project is included in the FY2017-18 Adopted Budget within RMA-Planning's General Fund 001, Appropriation Unit RMA001.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

This action represents effective and timely response to our RMA customers. Processing this application in accordance with all applicable policies and regulations also provides the County accountability for proper management of our land resources.

Check the related Board of Supervisors Strategic Initiatives:

☐ Economic Development  
☒ Administration  
☐ Health & Human Services  
☐ Infrastructure  
☐ Public Safety

Prepared by: Cheryl Ku, Senior Planner, 796-6049

Reviewed by: Brandon Swanson, RMA-Planning Services Manager

Approved by: Carl P. Holm, AICP, RMA Director

The following attachments are on file with the Clerk of the Board:

Attachment A - Draft Resolution with conditions  
Attachment B - Existing and Amended Condition 50 Text  
Attachment C - Addendum to EIR (SCH#9704129)

Attachment D - Traffic Analysis

Attachment E - Draft EIR (SCH#9704129)

Attachment F - Final EIR (SCH#9704129)

Attachment G - Vesting Tentative Map

Attachment H - Resolution 06-043 and Conditions

cc: Front Counter Copy; Brandon Swanson, RMA Services Manager; Morisoli Partnership, Owner; Lombardo and Associates, Agent; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); John H. Farrow; Janet Brennan; Project File PLN020016-AMD1