



Monterey County

Item No.

Board Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legistar File Number: RES 20-091

June 23, 2020

Introduced: 6/9/2020

Current Status: Agenda Ready

Version: 1

Matter Type: BoS Resolution

Public hearing to consider accepting the 2019 Annual Report, pursuant to the County of Monterey Condition of Approval and Mitigation Monitoring and Reporting Program, on the status of condition compliance for land use projects approved in 2019 which relied on a CEQA Environmental Impact Report (EIR) or Mitigated Negative Declaration (MND) and for older previously approved land use projects that have on-going or unmet Conditions of Approval/Mitigation Measures selected by the Condition of Approval Program Supervisor.

Planning File No: REF200003

Project Location: Countywide

CEQA Action: Not a Project per California Environmental Quality Act (CEQA) Guidelines Section 15378(b)(5).

RECOMMENDATION:

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

- a. Accept the 2019 Annual Report pursuant to the County of Monterey Condition of Approval and Mitigation Monitoring and Reporting Program on the status of condition compliance for land use projects approved in 2019 which relied on a CEQA Environmental Impact Report (EIR) or Mitigated Negative Declaration (MND) and for older previously approved land use projects that have on-going or unmet Conditions of Approval/Mitigation Measures selected by the Condition of Approval Program Supervisor (CAPS).

SUMMARY:

Pursuant to Section III.E of the County of Monterey Condition of Approval and Mitigation Monitoring and Reporting Program ("Program"), staff has prepared the 2019 Annual Report (**Attachment B**) that reports on the status of Plan compliance for all projects approved in the 2019 calendar year which relied on an EIR or MND and for older projects approved with on-going or unmet Conditions of Approval as selected by the CAPS.

The Annual Report has been prepared by RMA staff in coordination with County Counsel. Staff has also conferred with Save Our Peninsula Committee. All parties agreed to the 2019 Project List and form/format of the 2019 Annual Report.

DISCUSSION:

On October 9, 2001, the Board of Supervisors adopted a Mitigation Monitoring and Reporting Program (Resolution No. 01-391) delineating procedures for monitoring and tracking mitigation measures required by the County for land use projects in compliance with the California Environmental

Quality Act (CEQA). The Program was amended in 2012, 2014, 2017 and most recently in 2019 (Resolution No. 19-270). Prior to the 2019 amendment to the Program, RMA staff and County Counsel had extensive discussions with Save Our Peninsula Committee (SOPC) regarding implementation of the Program, including what should be reported on in the Annual Report to the Board of Supervisors. The 2019 Amendment to the Program required changes to the contents of the Annual Report as listed below:

- Older projects that have on-going or unmet conditions can now be added to the project list that is reported on in the annual report as determined by the CAPS;
- The content of the Responsible Department Reports attached to the annual report has been updated to include: 1) A signed memo from the department head or his/her designee, verifying compliance with the Program; 2) The 2019 Project List required for verification; and 3) The Responsible Department's Condition Compliance Certification Reports (CCCR), certifying and verifying the status of each Condition of Approval and Mitigation Measure being reported on; and
- Evidence of the annual Program training of responsible department staff (previously training was required only once every two years).

The 2019 Annual Report is required to be prepared and presented to the Board of Supervisors pursuant to Section III.E of the County of Monterey Condition of Approval and Mitigation Monitoring and Reporting Program ("Program"). This annual report is reporting on a total of 14 projects as selected by the CAPS and in coordination with County Counsel and SOPC. The project list includes:

- Four (4) projects approved by the County in 2019 which relied on Environmental Impact Report (EIR) or Mitigated Negative Declaration (MND).
- One (1) project that originally required a MND but was approved with a ND.
- Eight (8) older land use projects that have on-going or unmet Conditions of Approval/Mitigation Measures (herein referred to as "Conditions of Approval").
- One (1) older project that does not have on-going or unmet Conditions of Approval, however was included in the report as issues at the request of SOPC due to ongoing discussion with SOPC as to whether two of the project's Conditions of Approval had sufficient evidence to be considered "met." Staff is currently in discussion with SOPC in regard to these conditions.

The 2019 Annual Report included in **Attachment B** discusses the condition compliance status of these projects listed above in full detail. Pursuant to Program reporting requirements, the report also includes any related Compliance Orders or Code Enforcement actions undertaken for the projects being reported on; any proposed actions to modify conditions of approval/mitigation measures for these projects; the Responsible Departments' annual reports; and evidence of Program training completed by staff within the Responsible Departments.

There were six (6) "older project" conditions that were not met for 2019 according to RMA-Environmental Services (ES). As indicated in the RMA-ES Department Report, letters were sent to the property owners requesting they submit the required documentation for compliance. The report necessarily reflects status at the point in time when the department reports on status. After the 2019 reporting period ended, three of the six property owners submitted the required documentation. Additionally, RMA-ES is currently in communication with the other property owners still pending

submittal of the required documentation. This update is not included in the attached 2019 annual report since the annual report only reflects the condition statuses during the reporting period pursuant to Section II.B.2 of the Program.

CEQA:

This report is not a project under CEQA Guidelines section 15378(b)(5) because it is an administrative activity that will not result in direct or indirect physical changes in the environment.

OTHER AGENCY INVOLVEMENT:

The Planning Unit of the Land Use and Community Development Division of Resource Management Agency (RMA), through the Chief of Planning, has primary responsibility for implementation, compliance and enforcement of the Condition of Approval and Mitigation Monitoring and Reporting Program. RMA worked with County Counsel as to the form and content of the Annual Report, and communications with SOPC. Several divisions of RMA including Building Services, Environmental Services, Parks, Planning and Public Works, as well as other departments and agencies including the County Environmental Health Bureau, County Administration Office - Housing Division and the Monterey County Regional Fire District all contributed to the condition compliance and mitigation monitoring tracking and reporting of the 2019 Annual Report projects. The reporting is done by filling out a "Condition Compliance Form" for each Condition of Approval and by providing the status and background information in Accela Automation, the County's permit tracking database.

FINANCING:

Funding for staff time associated with this annual report is included in the FY19-20 Adopted Budget for RMA-Planning.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

Monitoring conditions compliance in accordance with all applicable policies and regulations 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: Shelley Glennon, Senior Planner
Reviewed by: Brandon Swanson, RMA Planning Services Manager
Approved by: John M. Dugan, FAICP, RMA Deputy Director of Land Use and Community Development



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

Attachment A - Draft Resolution

Attachment B - 2019 Annual Report

- Exhibit 1 - 2019 Project Summary Chart
- Exhibit 2 - 2019 Responsible Departments Report
- Exhibit 3 - 2019 Program Training Sign-In Sheet Dated Feb. 9, 2018

Attachment C - Resolution No. 19-270

cc: Front Counter Copy; Save Our Peninsula Committee (Richard Rosenthal; Mike Weaver); Carl P. Holm, Director of RMA; Leslie J. Girard, Chief Assistant County Counsel; Wendy Strimling, Senior Deputy County Counsel; Brandon Swanson, Acting Chief of Planning; The Open Monterey Project (Molly Erickson); LandWatch (Michael DeLapa, Executive Director); Project File REF200003