



Legislation Details (With Board Report)

**File #:** RES 20-030      **Name:** PLN020016-AMD2 - MORISOLI  
**Type:** BoS Resolution      **Status:** Passed - RMA Administration  
**File created:** 3/5/2020      **In control:** Board of Supervisors  
**On agenda:** 3/24/2020      **Final action:** 3/24/2020

**Title:** Public hearing to consider amending Conditions of Approval Nos. 188, 189, 190, 191, 192, and 193 of the Morisoli Partnership, Amaral Ranches, and Albin Morisoli and Clara Mae Morisoli (formerly the Morisoli-Amaral) Combined Development Permit for the Morisoli-Amaral Subdivision to change timing of transportation-related mitigation measures, including associated bonding or fair-share contribution requirements, to reflect phasing of the development.  
Project Number: PLN020016-AMD2  
Proposed CEQA Action: Consider Addendum together with previously certified EIR for the Tavernetti Residential Subdivision (SCH#9704129)  
Location: The project site is located approximately two miles southwest of King City at the intersection of Pine Canyon Road and Pettitt Road.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Board Report, 2. Attachment A - Draft Resolution with Amended Conditions, 3. Attachment B - Existing and Amended Conditions Nos. 188-193 Text, 4. Attachment C - Addendum to EIR, 5. Attachment D - Traffic Improvement Phasing Analysis, 6. Attachment E - DEIR EIR (SCH#9704129), 7. Attachment F - FEIR EIR(SCH#9704129), 8. Attachment G - Vesting Tentative Map, 9. Attachment H - Resolution 06-043 and Conditions, 10. MS PowerPoint Presentation, 11. Item No. 12 Completed Board Order, Resolution and Attachments, 12. Item No. 12 Completed Board Order and Resolution (revised)

Date	Ver.	Action By	Action	Result
3/24/2020	1	Board of Supervisors		

Public hearing to consider amending Conditions of Approval Nos. 188, 189, 190, 191, 192, and 193 of the Morisoli Partnership, Amaral Ranches, and Albin Morisoli and Clara Mae Morisoli (formerly the Morisoli-Amaral) Combined Development Permit for the Morisoli-Amaral Subdivision to change timing of transportation-related mitigation measures, including associated bonding or fair-share contribution requirements, to reflect phasing of the development.

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RECOMMENDATION:

It is recommended that the Board of Supervisors adopt a resolution 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.

A draft resolution, including findings and evidence and ten (10) conditions, is attached for consideration (**Attachment A**). Staff recommends approval.

PROJECT INFORMATION:

**Planning File Number:** PLN020016-AMD2

**Owners:** Morisoli Partnership, a California General Partnership; Amaral Ranches, a California partnership; and Albin Morisoli and Clara Mae Morisoli, husband and wife as community property

**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

SUMMARY:

The applicant (Morisoli Partnership, Amaral Ranches, and Albin Morisoli and Clara Mae Morisoli) is requesting an amendment to Condition Nos. 188, 189, 190, 191, 192, and 193 of the Morisoli-Amaral Combined Development Permit for the Morisoli-Amaral Subdivision (PLN020016, formerly named Tavernetti Residential Subdivision). These conditions are transportation-related mitigation measures included as conditions of approval on the Combined Development Permit. Although the Vesting Tentative Map (VTM) for this subdivision was approved as a phased subdivision, the conditions of approval were crafted as if the entire subdivision would be done as one large project. This amendment is requested to time these conditions relative to phases of the development that results in the corresponding impact.

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 nine (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 (Phases A-Q) of the subdivision. The Combined Development Permit was subject to 223 conditions of approval, including Condition Nos. 188, 189, 190, 191, 192, and 193 which are mitigation measures for potential traffic and circulation impacts in order to mitigate for the subdivision's transportation-related impacts. The proposed amendments will change the timing of the associated bonding or fair-share contribution requirements so that the timing of compliance corresponds to the phase of the development that results in the corresponding impact. Additionally, and where appropriate, there are minor non-substantive changes to the condition text to clarify and make the condition more definitive, including but not limited to the appropriate responsible party or agency. See Attachment B for comparison of

existing and proposed amended condition language.

### **Traffic Improvement Phasing Analysis**

The Morisoli-Amaral Vesting Tentative Map creates 319 residential lots. Phases A and B contain a total of 28 Low Density Residential lots, while Phases C through Q contain 291 Medium Density Residential lots. According to section entitled “NOTES REGARDING THE PROPOSED PHASED DEVELOPMENT” on Sheet 3 of the Vesting Tentative Map (VTM) (see Attachment G), the subdivision was to be constructed in alphabetical order, except that Phases A and B may follow or be done concurrently with any of the Phases C through Q, and Phase E may be constructed concurrently with or any time after Phase C. Despite being on the VTM, this phasing approach was not transferred in the timing of the traffic-related conditions of approval. When these conditions were crafted and later approved in 2006 by the Monterey County Board of Supervisors as conditions of approval of the Combined Development Permit, it was generally assumed that the entire subdivision would be done as one large project. That assumption proved to be inaccurate because of the market crash of 2008 making that approach financially infeasible.

An analysis identifying the transportation-related conditions of approval (Attachment D) was prepared by Keith Higgins, Traffic Engineer as part of a previously approved condition amendment for this subdivision (File No. PLN020016-AMD1). This previous amendment modified Condition No. 50 to allow the use of Via Canada as an interim primary access during early construction of the subdivision. (Board of Supervisors Resolution No. 18-076) The analysis, based on the previously certified EIR (SCH#9704129), looked at the use of Via Canada as a primary access to serve the 28 lots in Phase A and B, as well as the 20 existing and future homes in the Via Canada de la Paz subdivision (not part of this subdivision) and eight existing homes near Pine Canyon Road. In addition to a focus on access, the analysis also studied the rest of the traffic mitigation measures/conditions, including Condition Nos. 188 through 193.

The phasing analysis summarized the phasing order of the transportation improvements from the Conditions of Approval for the project. See Attachment D, Page 4 of 9, Table 1. The analysis also provided a separate methodology to determine the phase or phases when each improvement should be implemented. See Attachment D, Pages 5 of 9 to 7 of 9, items 4 through 9. This analysis serves as the justification for modifying the timing of these traffic related conditions.

Monterey County RMA has independently reviewed the report prepared by Keith Higgins and concurs with the analysis and recommendation to modify the timing of conditions.

### **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 condition amendments do not present a substantial change to the identified environmental impacts previously discussed and addressed in the EIR (SCH #9704129) adopted for the subdivision.

The attached addendum to the EIR (Attachment C) analyzes this change to the project and concludes that the proposed amendments are 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 would 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, which 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
- 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 changes to identified environmental impacts previously discussed and addressed in the EIR (SCH#9704129) adopted for the subdivision.

FINANCING:

Application fees provide funding for staff time associated with this project, which is included as part of the projected revenue in the FY2019-20 Adopted Budget within RMA-Planning 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: Nadia Garcia, Associate Planner, 831-755-5114  
Reviewed by: Brandon Swanson, RMA-Interim Chief of Planning  
Approved by: John M. Dugan, FAICP, RMA Deputy Director of Land Use and  
Community Development

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

Attachment A - Draft Resolution, including:

- Amended Conditions

Attachment B - Existing and Amended Condition Nos. 188-193 Text

Attachment C - Addendum to EIR (SCH#9704129)

Attachment D - Traffic Improvement Phasing 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 Acting Chief of Planning; Michael Goetz, RMA, County Surveyor; Morisoli Partnership, Amaral Ranches, and Albin Morisoli and Clara Mae Morisoli, Owners; Lombardo and Associates, Agent; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); John H. Farrow; Janet Brennan; Project File PLN020016-AMD2