



County of Monterey

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

Board Report

File #: 16-513, **Version:** 1

Hold a noticed public hearing to:

- a. Receive a report regarding the status of Condition of Approval No. 74 for the Monterra Ranch Standard Subdivision (SB 826, Resolution No. 87-527), calling for the construction of a 20-car park and ride lot; and
- b. Give direction to staff to process a modification of the condition or other appropriate action.

PROJECT INFORMATION:

Planning File Number: SB 826

Project Location: Jack's Peak Area

CEQA Action: FEIR No. 84-007

RECOMMENDATION:

It is recommended that the Board of Supervisors hold a noticed public hearing to:

1. Receive a report regarding the status of Condition of Approval No. 74 for the Monterra Ranch Standard Subdivision (SB 826, Resolution No. 87-527), calling for the construction of a 20-car park and ride lot; and
2. Give direction to staff to process a modification of the condition or other appropriate action.

SUMMARY:

The Save Our Peninsula Committee ("SOPC") filed litigation against the County in early 2011 alleging that the County was failing to comply with the California Environmental Quality Act ("CEQA") in not ensuring that mitigation measures adopted for projects were in fact implemented. The parties reached a settlement which included a review of ten projects for compliance, one of which was the Monterra Ranch subdivision, originally approved in 1987. The review was to determine compliance with all conditions of approval, not just mitigation measures imposed pursuant to CEQA.

While the review generally showed high levels of compliance with mitigation measures and conditions of approval, one condition of approval (but not a mitigation measure) for the Monterra Ranch subdivision has not been implemented, the construction of a 20-car park and ride lot near the entrance to the development at the intersection of Highways 68 and 218. A more thorough discussion is enclosed as Exhibit A.

The settlement agreement with SOPC requires that, if the review found lack of compliance with a condition, the County was to take remedial action or hold a noticed public hearing to consider modifying the condition.

The options for the Board are: 1) direct staff to process a modification or elimination of the condition; 2) pursue litigation against some appropriate party (if any); 3) explore funding options and discuss with Caltrans to opportunity to develop a park and ride lot at the intersection of Highways 68 and 218; or, 4) any other option the Board deems appropriate.

OTHER AGENCY INVOLVEMENT:

The County Counsel's office and the Resource Management Agency ("RMA") concur in the recommendation.

FINANCING:

County Counsel and RMA staff costs associated with the review were absorbed by their respective budgets without any augmentation. Costs associated with any remedial action on the part of the County have not been budgeted.

Prepared by: Leslie J. Girard, Chief Assistant County Counsel, ext. 5365

Approved by: Carl P. Holm, AICP, Resource Management Agency Director, ext. 5103

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

Attachment A - Summary

Attachment B - 68/218 Aerial View

Attachment C - FEIR

Attachment D - Portion 1989 Tent. Map

Attachment E - Condition Checklist

Attachment F - Phase 1 condition letter

Attachment G - Phase 1 Engineer's letter

Attachment H - York Highlands Matrix

cc: Front Counter Copy; Board of Supervisors; Wendy Strimling, Senior Deputy County Counsel; RMA-Public Works; Richard Rosenthal, Esq.; Michael Weaver, SOPC; Monterra Ranch of Monterey Homeowners Association; Banker's Development Group LLC c/o Carmel Development Company; Jackie Zischke, Esq.