

# Exhibit B

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## EXHIBIT B

### Before the Planning Commission in and for the County of Monterey, State of California

#### RESOLUTION NO.

Resolution of the Monterey County Planning Commission recommending that the Board of Supervisors:

1. Adopt a resolution to certify the Final Subsequent Environmental Impact Report (FSEIR) as augmented in September 2023 for the River View Project (SCH#2017031025);
2. Adopt a resolution to amend the text of the Las Palmas Ranch Specific Plan to increase the residential unit cap from 1,031 to 1,058; and
3. Adopt a resolution to approve a Combined Development Permit, consisting of:
  - a. a Vesting Tentative Map to create 26 residential lots and an open space parcel;
  - b. a Use Permit to allow development on slopes in excess of 25% for subdivision improvements; and
  - c. Adopt a Mitigation Monitoring and Reporting Plan.

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

#### RECITALS

**WHEREAS**, Section 65300 et seq. of the California Government Code requires each county to adopt a comprehensive, long-term general plan for the physical development of each county.

**WHEREAS**, Section 65450 of the California Government Code allows counties to prepare a specific plan for the systematic implementation of the general plan for all or part of the area covered by the general plan.

**WHEREAS**, on September 20, 1983, the Board of Supervisors adopted the Las Palmas Ranch Specific Plan ("LPR SP").

**WHEREAS**, Sections 65350 et seq. and 65453 of the California Government Code provide the procedure for amendments to adopted general plans and specific plans, respectively.

**WHEREAS**, on October 26, 2010, the Board of Supervisors of the County of Monterey (“County”) adopted the 2010 Monterey County General Plan for the non-coastal area of the County, including the Toro Area Plan within Chapter 9-I of the 2010 General Plan.

**WHEREAS**, pursuant to Article XI, section 7 of the California Constitution, the County of Monterey may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens.

**WHEREAS**, on November 8, 2023, the Monterey County Planning Commission held a duly noticed public hearing to consider a recommendation to the Board of Supervisors on the following:

1. A resolution with necessary findings and evidence certifying the Final Subsequent Environmental Impact Report, as augmented September 2023, for the River View at Las Palmas project (**Attachment 1**);
2. A resolution (**Attachment 2**) amending the Las Palmas Ranch Specific Plan; and
3. A resolution (**Attachment 3**) approving a Vesting Tentative Map for up to 30 residential lots, a Use Permit to allow development on slopes in excess of 25% and adoption of a Mitigation Monitoring and Reporting Plan.

At least 10 days before the public hearing before the Planning Commission, notices of the hearing were published in the Monterey County Weekly, provided to all those who requested notice, and were also posted on and near the project site.

**WHEREAS**, the Planning Commissions, as a recommending body to the Board of Supervisors, has considered the information and affirms the conclusions contained in: the Draft Subsequent Environmental Impact Report (DSEIR), prepared subsequent to the Las Palmas Ranch Specific Plan and Final EIR, adopted September 20, 1983, was circulated for public review from March 12, 2018 through April 25, 2018 (SCH # 2017031025), and the Final SEIR as augmented September 2023.

**WHEREAS**, the Planning Commission has reviewed a draft Resolution of the Monterey County Board of Supervisors for an amendment to the Las Palmas Ranch Specific Plan (LPR SP), and recommends the Board of Supervisors approve the project in substantial conformance with the attached Resolution (**Attachment 2**).

**WHEREAS**, the Planning Commission has reviewed a draft Resolution of the Monterey County Board of Supervisors for approval of the Project, subject to approval of the proposed LPR SP amendments, and recommends the Board of Supervisors approve the project in substantial conformance with the attached Resolution (**Attachment 3**).

**WHEREAS**, approval of the Vesting Tentative Map and Use Permit for the Project will not become effective until/unless the Las Palmas Ranch Specific Plan (LPR SP) amendments are approved/adopted by the Monterey County Board of Supervisors.

**DECISION**

**NOW, THEREFORE**, be it resolved, based on the above recitals, the written and documentary evidence, the staff reports, oral testimony, and the administrative record as a whole, that the Planning Commission does hereby Recommend that the Board of Supervisors:

1. Adopt a resolution to Certify the Final Subsequent Environmental Impact Report (FSEIR) as augmented in September 2023 for the River View Project (SCH#2017031025);
2. Adopt a resolution to amend the text of the Las Palmas Ranch Specific Plan to increase the residential unit cap from 1,031 to 1,058; and
3. Adopt a resolution to approve a Combined Development Permit, consisting of:
  - a. a Vesting Tentative Map to create 26 residential lots and an open space parcel;
  - b. a Use Permit to allow development on slopes in excess of 25% for subdivision improvements; and
  - c. Adopt a Mitigation Monitoring and Reporting Plan.

All in substantial conformance with the attached documents (**Attachments 1, 2, and 3**).

**PASSED AND ADOPTED** this 8<sup>th</sup> day of November, 2023, upon motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Melanie Beretti, AICP  
Planning Commission Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON \_\_\_\_\_.

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.

**EXHIBIT B**  
**Attachment 1**

**DRAFT FINAL SEIR AUGMENTATION CEQA RESOLUTION**

**Before the Board of Supervisors**  
**in and for the County of Monterey, State of California**

In the matter of the application of:

**RIVER VIEW AT LAS PALMAS LLC (PLN150372)**

**RESOLUTION NO. 23 - XX**

Resolution by the Monterey County Board of Supervisors:

1. Certify the River View Final Subsequent Environmental Impact Report (FSEIR) as augmented 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 [DATE]. 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) on the River View at Las Palmas Assisted Living Senior Facility Project in compliance with the California Environmental Quality Act (CEQA) guidelines. The FSEIR, as augmented in September 2023, was presented 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; and the FSEIR reflects the County of Monterey's independent judgment and analysis.
- EVIDENCE:**
  - a) The project, hereafter "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 26 residential lots and an open space parcel as well as development on slopes in excess of 25% to allow subdivision improvements to install 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 is 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 November 8, 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. The EIR also identified unavoidable significant impacts on 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). 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 the 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 FSEIR on the Project.

- 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 approved the project for a senior living facility. On October 12, 2021, the Board voted to return the matter back to staff for further analysis into 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 scope, as described as the Project in Evidence “a” above. In response to Board of Supervisors direction, the project was modified to provide additional residential housing units.
- h) Augmentation to FSEIR. In September 2023, the County of Monterey augmented the FSEIR which updated the Project Objectives clarifying that the applicant’s objective was 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 identified new “Alternative 3b” for a Reduced No Project/Existing Zoning. Alternative 3b analyzed a subdivision of the project site into no more than 30 residential lots and an open space parcel. At full buildout, 4 of the 30 residential lots would be dedicated as affordable housing units. If the 4 affordable units are not developed on site, the project site would be subdivided into 26 lots and an open space parcel and the project applicant would pay an in-lieu affordable housing fee to the County. To provide a conservative analysis, a 30-lot subdivision is evaluated in this analysis.
- 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 3 and supporting evidence, potential Project impacts to Transportation/Traffic would remain significant and unavoidable.

- j) Tribal Consultation. Pursuant to Section 15082 of the CEQA Guidelines, the County filed the SEIR Notice of Preparation (NoP) on March 7, 2017. At the time the County filed the NoP, the County had not received a request for consultation from a Native American tribe. Therefore, no consultation was conducted with a Native American tribe relative to Tribal Cultural Resources. Additionally, the project site is located 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, 2 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. Conditions Nos. 33 and 34 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) Monterey County 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 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 following impacts, fully detailed in the FSEIR would have no impact: Agricultural/Forest Resources, Hazardous Materials, Mineral Resources, Public Services, Parks and Recreation, and Solid Waste, and Cultural Resources.
- b) Cultural Resources. As fully detailed in the FSEIR, the Project would have a less than significant impact relative to Cultural Resources. Monterey County GIS indicates that the project site has a low archaeological sensitivity and the 1983 EIR for the subdivision 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 relative 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) Greenhouse Gas Emissions. The proposed project would result in a total of 617 metric tons per year (MT/year) of CO<sub>2</sub>e (carbon dioxide equivalent) during construction and 1,005 MT/year of CO<sub>2</sub>e during operation, while Alternative 3b would generate approximately 560 MT/year of CO<sub>2</sub>e during construction and 569 MT/year of CO<sub>2</sub>e during operation. Both the proposed project and Alternative 3b's GHG emissions would be less than significant and no mitigation measures are required.
- e) Surface Hydrology. As fully detailed in the FSEIR, the Project would have a less than significant impact relative to Surface Hydrology. The proposed project would be 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 of the proposed project would not impact surface and groundwater water quality from storm water runoff during construction. The Project would introduce new impervious surfaces on an undeveloped site. A preliminary storm water control plan for the Project was found in conformance with storm drainage facility design standards and NPDES requirements would be implemented ensuring that there would be no impacts related to localized flooding. The Project has been conditioned accordingly.
- f) Noise. As fully detailed in the FSEIR, the Project would have a less than significant impact relative to Noise. 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 would be subject to County of Monterey noise standards.
- g) Wastewater. As fully detailed in the FSEIR, the Project would have a less than significant impact relative to 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 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, wastewater service for the

Project is within the capacity of California American Water Company.

- h) Water Supply. The proposed project would have an estimated water demand of 11.376 AFY. The maximum of 30 residences that would be constructed under Alternative 3b would be 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 would result in a less-than-significant impact to water supply, and impacts would be lesser than the 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 Monterey County HCD-Planning for the proposed development found in Project File PLN150372, including Board of Supervisors Resolution No. [XX] approving the LPR SP amendment and the Board of Supervisors Resolution No. [XX] 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 would result in significant and potentially significant impacts that will be mitigated to a less than significant level due to incorporation of mitigation measures from the SEIR as the conditions of project approval. Changes or alterations have been required in, or incorporated into, the Alternative 3b which 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 that require mitigation to Aesthetics, Air Quality, Biological Resources, Energy, and Traffic which could result from all components of the project. Alternative 3b would have reduced impacts compared to the originally proposed senior assisted living facility; however, unavoidable impacts would 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 conditions of approval that incorporate the proposed mitigation measures.
- b) Aesthetics. Alternative 3b would impact scenic vistas and the visual character of the site, and would 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 would be potentially significant impacts of the proposed project, but would 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 would be reduced compared to the proposed project. The total area of the residential subdivision under this alternative would encompass approximately 160,000 square feet, 30,000 square feet less than the proposed project. Additionally, the scale and massing of up to 30 single-family residences (up to 20 feet in height) would 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 proposed project. Alternative 3b would introduce less light and glare to the project site compared to the 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) would 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 would be similar to surrounding residential development. The single-family residences would be more visually consistent with the existing residences in the project vicinity, and would not conflict with the Las Palmas Ranch Specific Plan Design Guidelines. Impacts to aesthetics under Alternative 3b would be reduced compared to the originally proposed senior assisted living facility as development would be substantially reduced in scale. Mitigation Measures AES-1, AES-2, AES-3, and AES-4 would 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. Alternative 3b would have air quality-related impacts related to emissions during construction of the proposed project on the site. These impacts would be potentially significant but would 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). Due to the reduced construction under Alternative 3b, the overall potential air quality impacts would be less significant than those associated with the original proposal. Nonetheless, these mitigations have been incorporated into the Project as conditions of approval.
- d) Biological Resources. The proposed project would 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 would 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

proposed project would also have a less-than-significant impact on impeding the movement of common wildlife. Due to the reduced construction under Alternative 3b, the overall potential biological impacts would be less significant than those associated with the original proposal. 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 disclosed that the proposed 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 generate approximately 362 daily trips (266 for assisted living and memory care center and 96 for senior adult housing units). The proposed project would 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 would be expected to generate trips at a similar rate to existing residences near the project site. Up to 30 lots facilitated by Alternative 3b would be 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 proposed project. The addition of these trips to area roadways would be expected to result in imperceptible increases in delay on area roadways, and would not result in a change in level of service from existing conditions. Alternative 3b would have a less significant impact on traffic to area intersections and roadways segments of River Road, opposed to the originally proposed senior assisted living facility. As previously mentioned in Finding 1, Evidence "1", 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 September 2023, including Board of Supervisors Resolution No. [XX] approving the LPR SP amendment and the Board of Supervisors Resolution No. [XX] 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 infeasible additional mitigation.

- EVIDENCE:**
- a) Traffic – Project Level Impact. Section 17.0 of the augmented FSEIR discusses significant and unavoidable impacts to Transportation which could result from the previously 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 demonstrated Finding 3, Evidence “f”, Alternative 3b would have a traffic reduction of 98 trips per day, or 27 percent fewer trips compared to the originally proposed project. However, the proposed project was determined to result in a significant and unavoidable impact associated with adding additional traffic to SR 68. Therefore, as SR 68 continues to operate at LOS F during peak hours, Alternative 3b would also result in significant and unavoidable impacts to the level of service of SR 68, and impacts would be similar to the proposed project.
  - b) Traffic – Cumulative Level Impact. The DSEIR identified that SR 68 is projected to operate at LOS F and under cumulative plus project conditions, the 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 would be required to pay regional traffic impact fees that would serve as some mitigation for impacts to 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 September 2023, including Board of Supervisors Resolution No. [XX] approving the LPR SP amendment and the Board of Supervisors Resolution No. [XX] approving the River View Combined Development Permit.

- 5. FINDING: ALTERNATIVES TO THE PROPOSED PROJECT** - The Augmentation to the FSEIR evaluated a reasonable range of potentially feasible alternatives to the proposed project in compliance with CEQA Guidelines section 15126.6. The Augmentation to the FSEIR considered the alternatives described below and as more fully described in the Draft SEIR. Specific economic, legal, social, technological, or other considerations make infeasible the project alternatives identified in the Augmentation to the FSEIR for the reasons described below.

- 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. However, it would leave the property open to future project which would most likely have similar, if not the same, environmental impacts as the senior assisted living facility. Additionally, the No Project/No Development Alternative would not meet any of the project objectives; therefore, the No Project/No Development alternative is infeasible.

- 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. It would also not be economically viable for the applicant. 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). The “No Project/Minimum Use” alternative assumes the proposed project would not be constructed or operated on the project site. Opposed to Alternative 2, Alternative 3a would take 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 the amount of 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, four of the residential lots would be designated for low income housing units. If the applicants are unable to provide four low income housing units, they would pay an in-lieu fee to the County instead. 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. This alternative meets most the project objectives including; to provide housing in a geographic location where it is clearly needed and where adequate public facilities currently exist or can be readily provided, to provide housing in and near an established community so that residents in the facility can feel a sense of connection with the local residents, and to address the critical need for housing for residents of the community in need of suitable housing options. This alternative is a feasible and preferred alternative to the original project.

- 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 due to the recommendations and requests of the existing residences in Las Palmas #1. 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 which would most likely have similar impacts as the originally proposed project. 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 and would not be financially viable for the applicants. The No Project/Existing Zoning (40-unit subdivision) alternative (Alternative 3a) would result in a similar level of impacts as the proposed project; however, it would meet the project objectives of providing housing to meet the needs of the area. The Reduced No Project/Existing Zoning (30-unit subdivision) alternative (Alternative 3b) would result in less environmental impacts than the proposed project and would meet most of the objectives of the proposed project. The Reduced Project (Alternative 4) would have an overall reduction in intensity of potential impacts based on the overall reduction in development on the project site, but would still have increased impacts to visual resources and the viewshed from SR 68, as well as traffic impacts, compared to Alternative 3b. 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 September 2023, including Board of Supervisors Resolution No. [XX] approving the LPR SP amendment and the Board of Supervisors Resolution No. [XX] approving the River View Combined Development Permit.

**6. FINDING: CEQA (Statement of Overriding Considerations) –** On the basis  
 PLN150373 – River View Exhibit B, Attachment 1, Draft CEQA Resolution

of the whole record before the Monterey County Planning Commission, the Commission has balanced, as applicable, the economic, legal, social, technological, or other benefits of the Project against its unavoidable, significant impacts and recommends that the Board of Supervisors adopt a Statement of Overriding Considerations on the basis 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, as augmented September 2023, the proposed project would have potentially significant and unavoidable impacts, at project specific and at a cumulative level, related to traffic conditions on SR 68.
  - b) The proposed 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:
    - The project would provide additional housing in an area that needs residential units due to a housing shortage.
    - The project would provide low income housing units or an in-lieu fee which will contribute to the County's affordable housing fund.
    - By subdividing and developing the lots with single family dwellings, the County would benefit from the increased property tax.
    - The increase of residents due to the increased housing units would also contribute to an increase of local spending.
    - Temporary construction jobs would increase to develop the vacant lots.
  - 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 September 2023, including Board of Supervisors Resolution No. [XX] approving the LPR SP amendment and the Board of Supervisors Resolution No. [XX] approving the River View Combined Development Permit.

- 7. FINDING: MITIGATION MONITORING PROGRAM** - Per Public Resources Code section 21081.6 and the proposed Condition of Approval and Mitigation Monitoring and Reporting Plan, the County would, as part of the recommended action, adopt a reporting or monitoring plan for the changes made to the project or conditions of project approval in order to mitigate or avoid significant effects on the environment.

- EVIDENCE:**
- a) On November 8, 2023, the Planning Commission recommended that the Board of Supervisors adopt a Mitigation Monitoring and Reporting Plan for the Project. See Resolution No. [XX].
  - b) The mitigation measures identified in the FSEIR are incorporated as conditions of approval and are included as an attachment to Resolution No. [XX] for the project.
  - 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. [XX] approving the LPR SP amendment and the Board of Supervisors Resolution No. [XX] approving the River View Combined Development Permit.

**8. FINDING:**

**RECIRCULATION NOT REQUIRED** – No new significant information has been added to the augmentation to the Final SEIR since circulation of the Draft SEIR that would require recirculation of the Final SEIR. 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 DEIR 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 DSEIR, meets those criteria.
- b) All the text revisions to the DSEIR 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 DSEIR, the County

has determined that the changes do not result in a need to recirculate the DSEIR.

- c) In the augmentation to the FSEIR, Alternative 3b was added. Additional quantitative modeling does not result in a new significant environmental impact or new mitigation measures [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).
- d) The quantitative modeling outputs and amendments 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 proposed project. As such, these revisions do not result in a new significant environmental impact from the project or from a new mitigation measure, as the project analysis and mitigation measures have not changed [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 in the original alternatives analysis. The additional quantitative modeling done in the augmentation to the FSEIR, does not result in a new significant environmental impact or new mitigation measures [CEQA Guidelines Section 15088.5(1)]. 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) does not apply. The DSEIR, FSEIR and augmentation to the FSEIR were neither inadequate nor conclusory in nature, and meaningful public review and comment have not been precluded. 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 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 DSEIR (see Finding No. 5 and supporting evidence).
- e) See also Finding Nos. 1, 2, 3, and 4, and supporting evidence.

- f) 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. [XX] approving the LPR SP amendment and the Board of Supervisors Resolution No. [XX] 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 Monterey County 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 Monterey County HCD-Planning for the proposed development found in Project File PLN150372, including Board of Supervisors Resolution No. [XX] approving the LPR SP amendment and the Board of Supervisors Resolution No. [XX] 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. Certifies the River View Final Subsequent Environmental Impact Report (FSEIR) as augmented September 2023; and
2. Adopts the CEQA Findings for Project approval and Statement of Overriding Considerations.

**PASSED AND ADOPTED** upon motion of Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_, and carried this [DATE], by the following vote to wit:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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 Minute Book \_\_\_\_\_ for the meeting on [DATE].

Date:

File Number:

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

By \_\_\_\_\_  
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.

Form Rev. 1-27-2021

**EXHIBIT B**  
**Attachment 2**  
**DRAFT SPECIFIC PLAN AMENDMENT RESOLUTION**

**Before the Board of Supervisors**  
**in and for the County of Monterey, State of California**

In the matter of the application of:

**RIVER VIEW AT LAS PALMAS LLC (PLN150372)**  
**RESOLUTION NO. 23 - XX**

Resolution by the Monterey County Board of Supervisors amending the text of the policies of the Las Palmas Ranch Specific Plan.

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

An amendment to the Las Palmas Ranch Specific Plan (LPRSP) to amend the text of the policies of the Las Palmas Ranch Specific Plan came on for a public hearing before the Board of Supervisors on [DATE]. 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 make the following amendment with reference to the following facts:

**RECITALS**

1. Section 65300 et seq. of the California Government Code requires each county to adopt a comprehensive, long-term general plan for the physical development of each county.
2. On October 26, 2010, the Board of Supervisors of the County of Monterey ("County") adopted the 2010 Monterey County General Plan for the non-coastal area of the County, including the Toro Area Plan within Chapter 9-I of the 2010 General Plan.
3. Section 65450 of the California Government Code allows counties to prepare a specific plan for the systematic implementation of the general plan for all or part of the area covered by the general plan.
4. On September 20, 1983, the Board of Supervisors adopted the Las Palmas Ranch Specific Plan.

Sections 65350 et seq. and 65453 of the California Government Code provide the procedure for amendments to adopted general plans and specific plans, respectively.

5. Policy 5 of Section C (Housing & Residential Land Use) of Chapter II of the Las Palmas Ranch Specific Plan (LPRSP) limits the maximum number of residential units within the Specific Plan area to 1,031 residential units in accordance with Figure D and Figure E of the LPRSP.



6. The proposed amendment would also add language to Policy 5 of Section C (Housing & Residential Land Use) of Chapter II of the Las Palmas Ranch Specific Plan as follows (the added/amended text is underlined to differentiate from existing Policy 5 text):

The Specific Plan allows a maximum of ~~1,031~~ 1,061 residential units in accordance with Figure D and Figure E. Parcel Q at Las Palmas Ranch is designated by the Las Palmas Ranch Specific Plan for Medium Density Residential use. Consistent with the Las Palmas Ranch Specific Plan Parcel Q is and has been zoned as Medium Density Residential (MDR) at a density of 2.61 units/acre. Based on the lot size, Parcel Q could be allowed up to 30 residential units. The MDR district also allows a range of other uses. To confirm the allowable use on Parcel Q, the Las Palmas Ranch Specific Plan is hereby amended add:

Parcel Q of Las Palmas Ranch is amended to allow up to 30 residential units consistent with the Board of Supervisors Resolution [XX].

7. The proposed amendment would include adding a line of data to Figure D to indicate that Parcel Q is allotted 30 residential lots for development. Additionally, the subject parcel shown on Figure E would be labeled with a “Q” as it is currently unlabeled.
8. The proposed amendment would include amend Figure H to illustrate that Parcel Q is within the developable area subject to plan policies.
9. Pursuant to California Government Code Section 65453, the County may amend an adopted specific plan in the same manner as a general plan, provided the County follows certain procedures, including that the County Planning Commission hold a noticed public hearing and make a written recommendation to the Board of Supervisors on the proposed amendment of the specific plan (California Government Code Section 65353), and that the Board of Supervisors hold a public hearing to determine whether to amend the specific plan (California Government Code Section 65355).
10. Pursuant to the California Environmental Quality Act, the County of Monterey prepared an Augmented Subsequent Environmental Impact Report (SEIR) for the River View at Las Palmas Facility, which includes the proposed amendment to the Las Palmas Ranch Specific Plan. The Monterey County Planning Commission considered and recommended certification of the Augmented Final SEIR concurrent with taking this action on the proposed LPRSP amendment.
11. A public hearing on the River View as Las Palmas Facility project, including an LPRSP amendment, was noticed at the Planning Commission for November 8, 2023. At least 10 days before the first public hearing date, notices of the hearing before the Planning Commission were published in the Monterey County Weekly, posted in at least 3 different public places on and near the subject property, mailed to residents within 300 feet of the project site, and mailed or emailed to interested parties.
12. On November 8, 2023, the Monterey County Planning Commission held a duly noticed public hearing to consider and make recommendations to the Board of Supervisors regarding approving the proposed amendment to the text of the policies of the Las Palmas Ranch Specific Plan. At this hearing the Planning Commission voted [XX] and adopted

Resolution [XX] recommending the Board of Supervisors certify the Final Subsequent Environmental Impact Report (FSEIR) as augmented in September 2023 for the River View Project (SCH#2017031025), approve an amendment to the LSRSP and approve a Combined Development Permit consisting of a Vesting Tentative Map to create 26 residential lots and an open space parcel, a Use Permit to allow Development on slopes in excess of 25%; and adopt a Mitigation Monitoring and Reporting Plan.

13. All policies of the 2010 General Plan, Toro Area Plan, and the Las Palmas Ranch Specific Plan have been reviewed by the Planning Division staff to ensure that the proposed amendment to the Las Palmas Ranch Specific Plan is consistent with the 2010 General Plan and does not create any conflict with existing zoning of the site. The Planning Commission specifically finds that:
- a. The project site's land use designation is identified in the Toro Land Use Plan (Figure LU#10 of the 2010 General Plan) as Medium Density Residential, 2.61 units per acre;
  - b. The project site's zoning classification is also Medium Density Residential, 2.61 units per acre;
  - c. The County adopted the project site's current zoning classification on December 8, 1992;
  - d. Pursuant to General Plan Policy LU-2.33, land designated for Medium Density Residential use is categorized as Urban Residential Land and appropriate for residential use;
  - e. Pursuant to General Plan Policy LU-2.33, the proposed building coverage will be less than 35 percent of the site. The subdivided parcels would encompass approximately 160,000 square feet of the project site. The total area of the proposed project encompasses approximately 23.2 percent of the project site;
  - f. Lots are clustered pursuant to Section 21.12.060.A of the County Municipal code.
  - g. Medium Density Residential zoning identifies single family residential use as an allowed use;
  - h. The amendment to the text of the policies of the Las Palmas Ranch Specific Plan would facilitate the proposed project by increasing the limit of housing units to 1,058, for the development of the up to 30 lots proposed in the "30-Lot Subdivision" alternative and chosen project to the River View at Las Palmas Assisted Living Senior Facility FSEIR, as augmented in September 2023, for residential use.
  - i. The amendment to the figures of the Las Palmas Ranch Specific Plan includes updating Figure D (Las Palmas Ranch Specific Plan Land Use Table), Figure E (Specific Plan) and Figure H (Frontal Slopes) to include Parcel Q (the subject property) and the 30 residential units, identify Parcel Q on the land use map and delineate Parcel Q as a developable parcel, respectively.

#### **DECISION**

**NOW, THEREFORE BE IT RESOLVED**, based on the above findings and evidence and the administrative record, that the Board of Supervisors adopts a resolution to amend the text of the policies of the Las Palmas Ranch Specific Plan, as shown in the Recitals above and incorporated herein by reference.

Said decision is to be in substantial conformance with the attached plan and subject to the attached conditions where are incorporated herein by reference.

**PASSED AND ADOPTED** upon motion of Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_, and carried this **[DATE]**, by the following vote to wit:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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 Minute Book \_\_\_\_\_ for the meeting on **[DATE]**.

Date:

File Number:

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

By \_\_\_\_\_  
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.

**EXHIBIT B**  
**Attachment 2a**  
**Draft Text of Las Palmas Ranch Specific Plan Amendment**

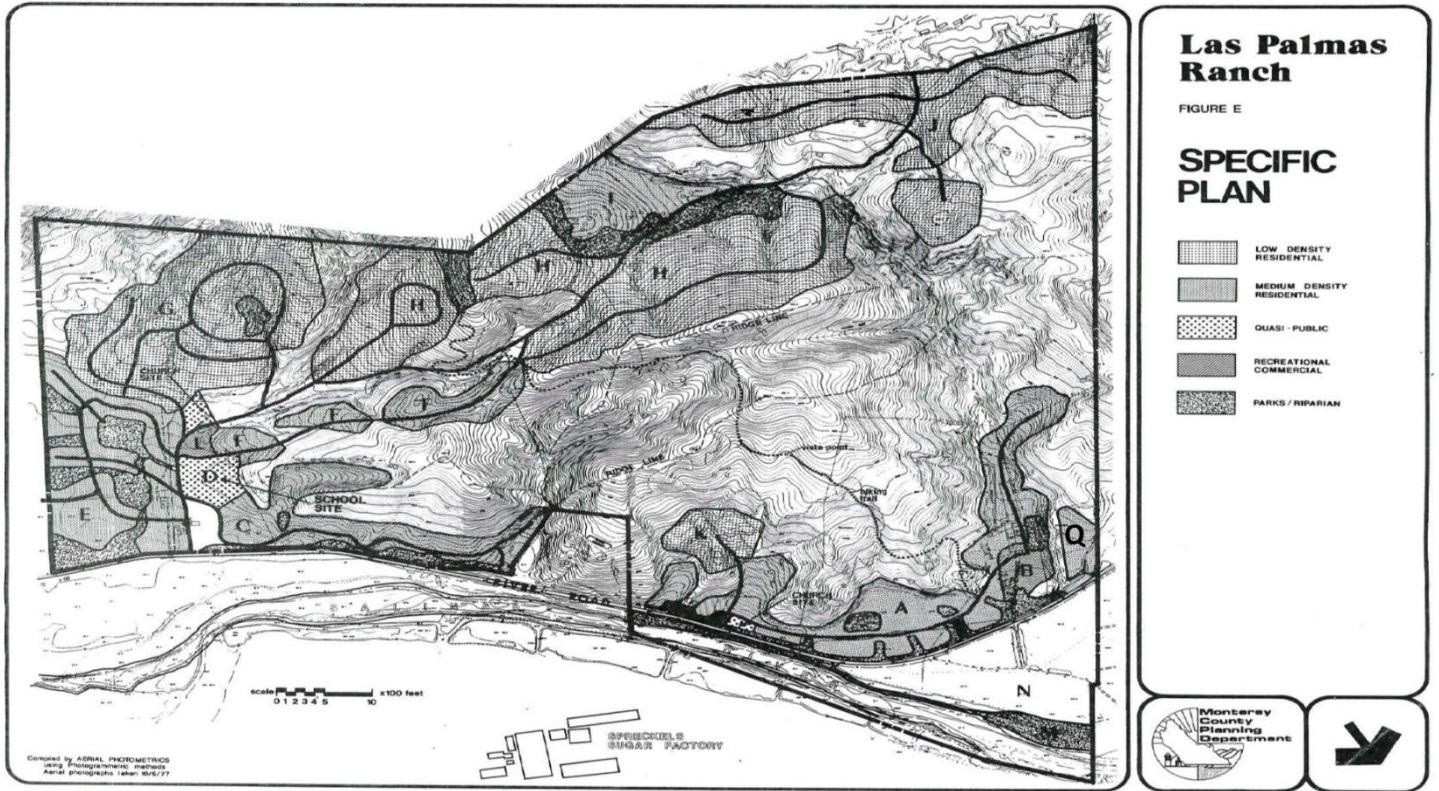
LAS PALMAS RANCH SPECIFIC PLAN AMENDMENT LANGUAGE

The Specific Plan allows a maximum of 1,061 residential units in accordance with Figure D and Figure E. Parcel Q at Las Palmas Ranch is designated by the Las Palmas Ranch Specific Plan for Medium Density Residential use. Consistent with the Las Palmas Ranch Specific Plan Parcel Q is and has been zoned as Medium Density Residential (MDR) at a density of 2.61 units/acre. Based on the lot size, Parcel Q could be allowed up to 30 residential units. The MDR district also allows a range of other uses. To confirm the allowable use on Parcel Q, the Las Palmas Ranch Specific Plan is hereby amended add:

Parcel Q of Las Palmas Ranch is amended to allow up to 30 residential units consistent with the Board of Supervisors Resolution [XX].

LAS PALMAS RANCH SPECIFIC PLAN AMENDMENT FIGURE “D”

ADC Policy Plan Areas	Residential Units		Total Units	Other Land Uses	Other Acreage	Total Acres	Density Units/AC	
	Multi	Single						
A	312	0	312	Commercial/Recreational  School/Church Sites	6	104	3.00	
B	-	-	-		6	6	N/A	
C	131	0	131		15	62	2.11	
D	-	-	-		15	15	N/A	
E	0	168	168			76	2.21	
F	104	0	104			32	3.25	
G	0	80	80			95	.84	
H	0	142	142			152	.93	
I	0	46	46			28	1.64	
J	0	43	43			90	.48	
K	0	5	5			11	.45	
L	-	-	-					
<i>Parcel</i> <u>Q</u>		<u>30</u>	<u>30</u>				<u>15.64</u>	<u>1.91</u>
M					Commercial	6	6	N/A
N				Open Space:				
O				Riparian Corridor	13			
				Agricultural Land	56			
				Neighborhood/Informal Open Spaces	65			
				Central Open Space & Frontal Slopes	767			
				TOTAL OPEN SPACE		901	N/A	
TOTAL	547	<del>484</del> <u>514</u>	<del>1031</del> <u>1061</u>			<del>1579</del> <u>1593.64</u>	<del>.65 AV</del> <u>.67 AV</u>	



**EXHIBIT B**  
**Attachment 3**

**DRAFT USE PERMIT AND VESTING TENTATIVE MAP LOT  
SUBDIVISION RESOLUTION**

**Before the Board of Supervisors  
in and for the County of Monterey, State of California**

In the matter of the application of:

**RIVER VIEW AT LAS PALMAS LLC (PLN150372)**

**RESOLUTION NO. 23 - XX**

Resolution by the Board of Supervisors approving a  
Combined Development Permit consisting of:

1. Vesting Tentative Map to subdivide a 15.64 acre  
parcel into 26 residential lots and an open space  
parcel;
2. Use Permit to allow development on slopes in  
excess of 25 percent; and
3. Adopt the Mitigation Monitoring and Reporting  
Plan.

[PLN150372, River View at Las Palmas LLC, Salinas,  
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 [DATE]. 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:** **CONSISTENCY** – The proposed project and/or use, as conditioned, is consistent with the policies of the Monterey County 2010 General Plan, Toro Area Plan, Las Palmas Ranch Specific Plan, Monterey County Subdivision Ordinance (Title 19), Monterey County Zoning Ordinance (Title 21), and other County health, safety, and welfare ordinances related to land use development.  
**EVIDENCE:** a) Project Description. The project (hereafter “Project”) involves a Combined Development Permit consisting of a Vesting Tentative Map for the subdivision of a 15.64 lot into 26 residential lots and an open space parcel and a Use Permit to allow development on slopes exceeding 25 percent.  
b) Modified Project Scope. In 2015, the County of Monterey received an application proposing a facility that would be licensed by the

State of California as a Residential Care Facility for continuum of care facilities in the form of 13 residential Casitas, an Assisted Living Facility with 40 units and Memory Care Facility with 39 units. The project would have removed approximately 80 eucalyptus trees currently located on the project site would be removed and replaced with landscaping designed to both enhance residents' living environment and screen views of the project from neighboring properties and SR 68. On February 12, 2020, the Planning Commission adopted Resolution Nos 20-004, 20-005 and 20-006 recommending the Board of Supervisors certify the Final Subsequent Environmental Impact Report (FSEIR), amend the Las Palmas Specific Plan and approved the project for a senior living facility. On October 12, 2021, the Board voted to return the matter back to staff for further analysis into the original project with an expanded look into the EIR, community benefit analysis and housing. On September 2, 2022, the applicant modified the project scope to a 30 lot residential subdivision response to Board of Supervisors in response to the Board's direction to provide additional residential housing units. As discussed in Finding 4 and supporting evidence, the subdivision has been further reduced to 26 residential lots to meet Inclusionary Housing Ordinance requirements.

c) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in the:

- 2010 Monterey County General Plan (General Plan);
- Toro Area Plan (TAP);
- Las Palmas Ranch Specific Plan (LPRSP);
- Monterey County Subdivision Ordinance (Title 19); and
- Monterey County Zoning Ordinance (Title 21).

No conflicts were found to exist. The County received communications during the course of review of the project indicating inconsistencies with the text, policies, and regulations in these documents; however, these comments were relative to the original scope for the senior living facility and not the Project as described in Evidence "a" above. The County finds that the project is consistent with the text, policies, and regulations in the applicable documents above.

d) Allowed Use – General Plan, TAP, and LPRSP. All policies of the 2010 General Plan, Toro Area Plan, and the Las Palmas Ranch Specific Plan have been reviewed by the County. An amendment to Las Palmas Ranch Specific Plan (see subsequent Evidence "e" and Board of Supervisors Resolution **XX**) is being processed concurrently with this Vesting Tentative Map and Use Permit to ensure that the proposed amendment to the Las Palmas Ranch Specific Plan is consistent with the 2010 General Plan and does not create any conflict with existing zoning of the site. Approval of the Vesting Tentative Map and Use Permit is conditioned on the Specific Plan amendment being adopted and going into effect. The



proposed amendment is hereby incorporated herein by reference. The County specifically finds that:

- The project site's land use designation is identified in the Toro Land Use Plan (Figure LU#10 of the 2010 General Plan) as Medium Density Residential, 2.61 units per acre;
- The project site's zoning classification is also Medium Density Residential, 2.61 units per acre;
- The County adopted the project site's current zoning classification on December 8, 1992;
- Pursuant to General Plan Policy LU-2.33a, land designated for Medium Density Residential use is categorized as Urban Residential Land and appropriate for a range of residential uses and housing types, recreation, public and quasi-public uses, and other uses that are incidental and subordinate to the residential use and character of the area;
- Pursuant to General Plan Policy LU-2.33, the proposed building coverage will be less than 35 percent of the site. The subdivided parcels would encompass approximately 160,000 square feet of the project site. The total area of the proposed project encompasses approximately 23.2 percent of the project site;
- Lots are clustered pursuant to MCC section 21.12.060.A;
- Medium Density Residential zoning identifies single family residential use as an allowed use;
- The amendment to the text of the policies of the Las Palmas Ranch Specific Plan would facilitate the proposed project by increasing the limit of housing units to 1,061, for the development of up to 30 lots for residential use.
- The amendment to the figures of the Las Palmas Ranch Specific Plan includes updating Figure D (Las Palmas Ranch Specific Plan Land Use Table), Figure E (Specific Plan) and Figure H (Frontal Slopes) to include Parcel Q (the subject property) and the 30 residential units, identify Parcel Q on the land use map and delineate Parcel Q as a developable parcel, respectively.

Therefore, the Project is consistent with all applicable land use polices.

- e) LPRSP Residential Build Out Maximum. Policy 5 of Section C (Housing & Residential Land Use) of Chapter II of the Las Palmas Ranch Specific Plan (LPRSP) limits the maximum number of residential units within the specific plan area to 1,031 residential units in accordance with Figure D and Figure E of the LPRSP. As such, the Project would be restricted by the specific plan residential unit limitation of 1,031. The concurrently processed LPRSP amendment would allow the development of 1,061 residential units to accommodate the addition of up to 30 housing units. This amendment to the LPRSP would provide consistency for the Project as proposed as well provide consistency for the inclusion of 4 affordable housing units onsite.

- f) Allowed Use – Zoning. The subject property is a 15.64 acre, vacant parcel within Las Palmas Subdivision #1, south of River Road and west of Country Park Road, within the Las Palmas Ranch Specific Plan Area, approximately 1.25 miles west of Spreckels and 0.5 miles east of State Route 68 (SR 68) (Assessor’s Parcel Number 139-211-035-000). No address has yet been assigned to the parcel. The zoning classification of the property is Medium Density Residential, 2.61 units per acre, with a Design Control overlay (MDR/2.61-D). Pursuant to Monterey County Code (MCC) section 21.12.050, the MDR zoning district allows for a range of land uses to be approved with a use permit. This range of uses includes single-family housing, and other uses of a similar nature, density and intensity. The Project is a residential subdivision with open space parcels and meets the allowed density for the site. Therefore, the Project is consistent with the applicable zoning designation.
- g) Lot Legality. The subject property, identified as Parcel Q, is shown on a final map entitled “Amended Map of Las Palmas Ranch Corey House Area/Unit 1” filed June 15, 1989 in the Office of the Recorder of Monterey County, California, in Volume 16 of Cities and Towns, Page 70. Therefore, the County recognizes the subject parcel as a legal lot of record.
- h) Review of Development Standards. The project does not include vertical development and the future construction of single family dwellings within the subdivision would be required to meet the development standards for Medium Density Residential zoning district. As demonstrated in Finding 5 and 8 and supporting evidence, the design of the subdivision is consistent with applicable policies of the 2010 General Plan, Toro Area Plan and the Las Palmas Ranch Specific Plan as well as the regulations contained in Title 19 and Title 21.
- i) Design, Aesthetic Impacts, and Visual Resources. Pursuant to Chapter 21.44, Title 21 (Zoning Ordinance) of the Monterey County Code (MCC), the proposed project site and surrounding area are designated as a Design Control Combining District (D District), which regulates the location, size, configuration, materials, and colors of structures and fences to assure the protection of the public viewshed and neighborhood character. The Project does not include the construction of structure and therefore a Design Approval is not required. However, the Project includes the removal of approximately 70 eucalyptus trees, compared to the 80 proposed for removal under the originally proposed senior living facility. Some of the trees that would remain are within the critical viewshed as defined in the Toro Area Plan. Although they are not a protected tree species within Monterey County, the trees aid in shielding the potential development from the viewshed of SR 68, River Road, and Las Palmas #1. As demonstrated in Finding No. 5 and supporting evidence, the Project as designed and conditioned, minimizes impacts to visual resources in accordance with applicable visual

policies of the General Plan, Toro Area Plan, Las Palmas Ranch Specific Plan.

- j) Tree Removal. As proposed, the project includes removal of approximately 70 non-native eucalyptus trees. These trees would be replaced with landscaping designed to both enhance residents' living environment and screen views of the project from neighboring properties and State Route 68. Pursuant to MCC section 21.64.260, eucalyptus trees are not identified as a protected species and no permit is required for removal of the identified trees. However, pursuant to General Plan Policy OS-5.25, the applicant shall complete a pre-construction nesting survey by a qualified biologist to ensure nests of statutorily protected migratory birds and raptors are not disturbed during the breeding season (identified as mitigation measure MM BIO-5 in the FSEIR). The applicant shall also be required to complete a pre-construction survey by a qualified biologist for the protection of bats (identified as mitigation measure MM BIO-4 in the FSEIR). Therefore, the proposed tree removal will not involve a risk of adverse environmental impacts, and implementation of the mitigation measures would ensure consistency with General Plan Policy OS-5.25. These mitigation measures have been incorporated into the project as conditions of approval. See also Finding No. 6 and supporting evidence.
- k) Development on Slope Exceeding 25 Percent. As demonstrated in Finding No. 9 and supporting evidence, there is no feasible alternative that would avoid development on slopes exceeding 25 percent.
- l) Development Evaluation System. As demonstrated in Finding No. 12 and supporting evidence, the project is consistent with the 2010 Monterey County General Plan Policy LU-1.19.
- m) Long-Term Sustainable Water Supply. As demonstrated in Finding No. 11 and supporting evidence, there is a long-term sustainable water supply to serve the Project.
- n) Access. Access to the project would be provided from the signalized intersection of River Road and Las Palmas Road to River Run Road, then Woodridge Court, which currently terminates at the project site boundary. River Road is a public road maintained by the County of Monterey. Las Palmas Road, River Run Road, and Woodridge Court are private roads maintained by the Las Palmas Home Owners Association (LPHOA). The applicant has the necessary access rights to the site via a non-exclusive easement for ingress, egress, road and utilities. The property owner of the site currently pays a monthly road maintenance fee to the LPHOA. Pursuant to a future private agreement between the applicant/owner and the LPHOA, the applicant/owner would pay a proportionate share for the use of the roads based on construction impacts. According to the traffic reports prepared for the project, a separate access would not be necessary to avoid impacts on traffic circulation within the adjacent residential subdivision because the level of service on subdivision roads providing access to the project site would be acceptable. Separate

access also would not be necessary to ensure adequate emergency access (see Finding No. 10 and supporting evidence).

- o) Proof of Access. Pursuant to MCC Chapter 16.80, Regulations Relating to Applications Involving Use of Private Roads, the project involves intensification of use of a private road. The owner/applicant is a party to a private road and would access the project site from River Road (a County road) via the following private roads: Las Palmas Road, River Run Road, and Woodridge Court. Based on evidence submitted by the applicant in the form of a Grant Deed (Document No. 2013046807; recorded July 24, 2013), the attached property legal description describes an easement to the subject parcel over these private roads for ingress, egress, road and utilities. MCC section 16.80.030.J defines an easement as a form of “private road agreement” between parties concerning the right to use private property as access to another parcel of private property. Since a legally executed document exists for the private road agreement, the County considers such documentation to be adequate evidence to demonstrate access. Hence, pursuant to MCC section 16.80.030.M, the applicant has demonstrated proof of access to the property via a private road agreement. Pursuant to MCC section 16.80.040.B, the project is classified as a Tier 3 project subject to a private road agreement, but not a private road maintenance agreement. Per MCC section 16.80.030.K, a private road maintenance agreement is an agreement between parties to a private road concerning the costs and responsibilities of those parties for upkeep and repair of the private road; however, no such agreement exists. The project applicant currently pays a monthly road maintenance fee to the LPHOA; however, the parties to the easement or private road agreement concur that this is an informal arrangement.
- p) Affordable Housing. Pursuant to MCC Chapter 18.40 the “30-Lot Subdivision” project would be required to supply a total of four affordable units. As demonstrated in Finding No. 4 and supporting evidence, the 4 affordable units are not proposed to be developed on site. As such, the project applicant is required to pay an in-lieu affordable housing fee to the County.
- q) Land Use Advisory Committee Review. The project was referred to the Toro Land Use Advisory Committee (LUAC) for review on October 23, 2023. Several members of the public were in attendance, 2 of which were concerned with placing a subdivision within existing undeveloped land, disturbing “virgin land” which would have the potential to liberate the Valley Fever virus, and the introduction of additional traffic. The remaining 9 members of the public were either in favor of the Project, as opposed to their objection to the senior care facility, or had questions regarding road access, if homes would be rental and if the CCRs of the HOA would apply to the Project. One LUAC member had concerns with development on slopes in excess of 25%, even though it is prohibited by the 2010 General Plan and another LUAC member found that the

Project was a great improvement to the previous plan for the assisted living facility. The LUAC supported with recommended conditions by a vote of 6 ayes, 0 noes and 2 members absent. The recommended conditions were to: add a 20 foot height limit, replace the removed trees with 1 gallon oaks at a 3:1 ratio, dedicate a scenic easement on all remaining land, obey the LPR SP regarding erosion, slope stability, onsite parking, construction noise control and traffic; add a B-6 overlay; and implement the conditions from the April 27, 2022 letter from Christine Kemp. In response to public comment, the subject property is zoned for Medium Density Residential development and the Project is an allowed use; the FSEIR did not identify the potential for the Valley Fever virus to be onsite; and as demonstrated in Evidence “s” below and Finding 2, Evidence “d”, the project would not result in a significant traffic impact. In response to the LUAC’s recommended conditions, the Project has been conditioned requiring a rezone to add a 20 foot height limit and B-6 overly, it has been conditioned requiring conveyance of a conservation scenic easement over areas outside of the approved development and as demonstrated in Evidence “d” above, the project is consistent with the LPR SP. Also see Evidence “r” below regarding the April 2022 Kemp letter.

- r) Public Comment. Staff receive a letter from Christine Kemp, dated April 27, 2022, on behalf of the Las Palmas Ranch Master Association No. 1 (see Exhibit I of the November 8, 2023 Staff Report). The letter states that the association finds that the Project is a preferred alternative to the senior living facility provided that the subdivision have no more than 28 residential lots, there be an 18 foot height limit, a B-6 overly zone be added to prohibit further subdivision and that the areas outside of the development be placed under a scenic easement. The Project meets all these requests except for the 18 foot height limit. There is no evidence in the record that the proposed, and conditioned, 20 foot height limit would result in a significant visual impact or be inconsistent with the General Plan, TAP or LPR SP.
- s) California Environmental Quality Act (CEQA). By separate resolution (see Board Resolution No. [XX]), the Board of Supervisors has certified the River View Final Subsequent Environmental Impact Report (FSEIR) as augmented in September 2023. All applicable mitigation measures have been incorporated within the Project as Conditions of Approval. In accordance with Public Resources Code section 21081.6, certification of the FSEIR and approval of the Project includes the adoption of a Mitigation Monitoring and Reporting Plan. Also see Finding 6 and supporting evidence.
- t) Process. Title 21 section 21.76.030 states that the appropriate authority for Combined Development Permits shall be the decision making body for the principal land use and subsection B states that the Planning Commission shall act as the recommending body to the Board of Supervisors when said Board is the appropriate authority.

Because the Project includes an amendment to the Las Palmas Ranch Specific Plan, the Board of Supervisors is the appropriate authority to decide on the Project as a whole. Consistent with this regulation, the Project was brought before the Planning Commission on November 8, 2023 and their recommendation to the Board of Supervisors is found in Resolution No. [XX].

- u) County staff, including the environmental review consultant, conducted numerous site inspections between May 2015 and May 2023 to verify that the project on the subject parcel conforms to the plans listed above.
- v) The application, plans, and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development found in HCD-Planning File No. PLN150372, including Board of Supervisors Resolution No. [XX] approving the LPR SP amendment and the Board of Supervisors Resolution No. [XX] certifying the FSEIR and adopting a Statement of Overriding Considerations.

**2. FINDING:**

**SITE SUITABILITY** – The site is physically suitable for the proposed use.

**EVIDENCE:**

- a) The project has been reviewed for site suitability by the following departments and agencies: HCD-Planning, HCD-Environmental Services, HCD-Engineering Services, Monterey County Parks, the Environmental Health Bureau, (EHB), the Monterey County Sheriff’s Office, the Monterey County Regional Fire Protection District (Monterey County Regional FPD), and the California Department of Forestry and Fire Protection (CalFire). There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
- b) Technical reports by outside consultants indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. The following reports have been prepared, 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.

- c) The Geologic Hazard Report and Soil Engineering Feasibility Investigation (Landset, 2017) states that the project site is a knoll that rises above River Road and the existing subdivision with a flat plateau where the proposed subdivision will be located. Future building foundations would be located in geologically suitable portions of the project site in accordance with findings of said report. As illustrated in the attached Vesting Tentative Map, the Project is located within the geologically stable building envelope shown on Sheet 1 of the report.
- d) Traffic. The proposed project would result in less-than-significant impacts to area intersections and roadways segments of River Road. The Traffic Impact Analysis (Higgins, December 2022) estimate traffic impacts associated with up to 30 residences would generate approximately 264 daily trips, with 20 AM peak hour trips and 26 PM peak hour trips, which would be at a similar rate to existing residences near the project site. Mitigation measures identified in the FSEIR requiring the payment of traffic impact fees have been incorporated within the project as conditions of approval.
- e) County staff, including the environmental review consultant, conducted numerous site inspections between May 2015 and May 2023 to verify that the site is suitable for the proposed use.
- f) The application, plans and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development found in Project File PLN150372, including Board of Supervisors Resolution No. [XX] approving the LPR SP amendment and the Board of Supervisors Resolution No. [XX] certifying the FSEIR and adopting a Statement of Overriding Considerations.

**3. FINDING:**

**HEALTH AND SAFETY** – The establishment, maintenance, or operation of the project will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County. Necessary public facilities are either available or will be provided.

**EVIDENCE:**

- a) The project was reviewed by HCD-Planning, HCD-Environmental Services, HCD-Engineering Services, Monterey County Parks, the Environmental Health Bureau (EHB), the Monterey County Sheriff’s Office, the Monterey County Regional Fire Protection District

(Monterey County Regional FPD), and the California Department of Forestry and Fire Protection (CalFire). Conditions have been recommended, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.

- b) Potable Water. Potable water supply is provided to the Las Palmas Ranch Specific Plan area by the California Water Service Company (Cal Water). The project site is located within Cal Water's Indian Springs/Salinas Hills/Buena Vista service area, and the water provided to this area comes from the Salinas Valley Groundwater Basin. Cal Water has provided a "can and will serve" letter for the proposed project, explaining their ability and willingness to provide potable water for the previously proposed project. The Project would require less water than the originally proposed senior assisted living facility. Also see Finding 8, Evidence "g" and "h" and Finding 11 and supporting evidence.
- c) 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 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, wastewater service for the Project is within the capacity of California American Water Company. Landscape irrigation on the Project site associated with the subdivision would use reclaimed water from the Las Palmas Ranch Wastewater Treatment Facility and reclaimed water pipe connections to the treatment facility are already located on the Project site.
- d) Stormwater. There are several stormdrain inlets along the southern side of the property which service the adjacent Las Palmas Ranch subdivision. The project has been reviewed by HCD-Environmental Services who recommended conditions, which have been incorporated, requiring the owner/applicant submit evidence that the Project is covered under the California Construction General Permit, submittal of a final Stormwater Control Report and a Stormwater Control Plan, submittal of an Operation and Maintenance Plan, and enter into a Maintenance Agreement.
- e) Wildfire. As demonstrated in Finding 10 and supporting evidence, The Project meets applicable regulations for wildfire protections in State Responsibility Areas.
- f) The application, plans, and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development found in HCD-Planning File No. PLN150372, including Board of Supervisors Resolution No. [XX] approving the LPR SP amendment and the Board of Supervisors Resolution No. [XX] certifying the FSEIR and adopting a Statement of Overriding Considerations.



4. **FINDING:** **INCLUSIONARY HOUSING** – The Project, as proposed and conditioned, complies with the Inclusionary Housing ordinance #5175 (codified at chapter 18.40 of the Monterey County Code).
- EVIDENCE:**
- a) Inclusionary Housing Requirement. In accordance with MCC section 18.40.050.A, all residential developments shall contribute to the provision of housing for very low, low and moderate income households in the County. MCC section 18.40.060.A states that residential development consisting of 5 or more units or lots in the County shall provide inclusionary units on-site or off-site, except that a fee may be paid in-lieu of providing fractional units and in other circumstances specified in section 18.40.090. As demonstrated in Finding 1, Evidence “b”, the applicant requested to subdivide the property into 30 residential lots and an open space parcel which would be developed with 30 single-family residences. Therefore, the Project is subject to the Inclusionary Housing Ordinance.
  - b) Qualification for Payment of In-lieu Fees. MCC section 18.40.090.A.4 states that a developer of a residential development containing 5 or more units may elect to pay a fee in-lieu of providing some or all of the required inclusionary units if the developer demonstrates, in connection with the first approval for the residential development, that specific characteristics of the development site, such as lack of access to services, zoning which requires large lot development, or potentially high site maintenance costs, make the site unsuitable for households at the required income levels. The applicant has worked with HCD Planning and HCD Housing Programs staff to ensure consistency with the Inclusionary Housing Ordinance. The onsite option was explored but found to be infeasible in this case. Affordable units would be subject to Homeowners Association and road maintenance fees as well as higher than average sewer and water bills. These expenses would make ownership financially infeasible for persons with restricted income levels necessary to qualify for inclusionary housing. The cost of transportation and the lack of alternative modes of transportation nearby was also considered. Therefore, the applicants have proposed a 26 unit subdivision and the Project has been conditioned requiring the owner/applicant pay an in-lieu fee to the County’s Inclusionary Housing Fund.
  - c) In-lieu Fee Amount. MCC section 18.40.090.A.5 states that residential developments which are permitted to satisfy the inclusionary housing requirements by payment of in-lieu fees, the fee amount shall be determined and approved by the appropriate authority, in this case the Board of Supervisors. For each market-rate unit in the residential development, the fee shall be one-fifth of the difference between the affordable sales price for a four-person household at 100% of median income and the cost of developing an average market-rate three-bedroom home. A condition of approval has been incorporated to ensure payment is received in accordance with this regulation.

- d) Timing of In-lieu Fee Payment. MCC section 19.40.090.A.6 states that payment of in-lieu fees shall be made in full to the County prior to recordation of parcel or final maps or, where the residential development is not subject to subdivision approval, prior to issuance of the first building permit for the development, unless an inclusionary housing agreement otherwise provides. A condition of approval has been incorporated to ensure payment is received in accordance with this regulation.
- e) The application, plans, and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development are found in Project File PLN150372, including Board of Supervisors Resolution No. [XX] approving the LPR SP amendment and the Board of Supervisors Resolution No. [XX] certifying the FSEIR and adopting a Statement of Overriding Considerations.

**5. FINDING:**

**VISUAL RESOURCES** – The Project, as proposed and conditioned, is consistent with the applicable visual resource policies contained in the 2010 General Plan (General Plan), Toro Area Plan (TAP), Las Palmas Ranch Specific Plan (LPRSP) and the Monterey County Code (MCC).

**EVIDENCE:**

- a) Visually Sensitive Areas. TAP Figure 16 – Toro Area Scenic Highway Corridors and Visual Sensitivity illustrates that western and southern portion of the site is within a “Critical Viewshed” where the eastern and northern portion is within a “Sensitive” area. TAP Policy T-1.5 states that subdivision shall be designed so that new lots have building sites located outside of the critical viewshed. The Vesting Tentative Map illustrates that the residential lots have been clustered and located outside of the critical viewshed consistent with this policy. TAP Policy T-3.1 states that landscaping or new development in areas designated as visually sensitive may be permitted if the location and design is in such a manner that will enhance the scenic value of the area. The Project is similar in siting and density to the Las Palmas Ranch residential neighborhood to the east and south, however, the future single family dwellings of the Riverview subdivision would be subject to a 20 foot maximum height limit, opposed to the 30 foot maximum height limit of Las Palmas #1 and the 30 foot maximum height limit of the Medium Density Residential zoning district. Therefore, a condition of approval has been applied requiring rezoning of the site to include a 20 foot maximum height limit.
- b) Visual Impacts from Scenic Corridors. TAP Figure 16 – Toro Area Scenic Highway Corridors and Visual Sensitivity illustrates that State Route (SR) 68 is an existing designated scenic highway as it provides views of open space, agricultural land, and the Santa Lucia Mountains that border the Salinas Valley. In addition, the figure identifies River Road and Reservation Road as proposed scenic routes. Analysis of the area concludes that the site is visible from a stretch of SR 68 for a distance of approximately 3,000 feet (0.57

miles) but is not visible from the River Road/SR 68 intersection. The site is also visible from portions of Reservation Road, and from within the adjacent residential subdivision. The Project site is adjacent to River Road but is minimally visible due to topography and vegetation. TAP Policy T-3.2 identifies the River Road/SR 68 intersection as a scenic entrance and land use, architectural, and landscaping controls shall be applied, and sensitive site design encouraged and Policy T-3.3 states that except for driveways, pedestrian walkways, and paths, a 100-foot building setback shall be required on all lots adjacent to County and State designated routes to provide open space and landscape buffers. Since the subject property is not visible from SR 68 or the River Road/SR 68 intersection, no additional design considerations (including greater setbacks) were made as these policies do not apply. However, as demonstrated in evidence provided in this finding, the subdivision design, landscaping and exterior lighting, as proposed and conditioned, ensure that the development would not result in a significant visual impact.

- c) Las Palmas Ranch Specific Plan Policies. The LPRSP EIR established mitigation measures to reduce aesthetic impacts associated with development of the Las Palmas Ranch Specific Plan area. Consistent with LPR SP Policy F.11, the mitigation measures require landscape screening, earth-toned building colors, undergrounding of utility and distribution lines, and unobtrusive lighting. Implementation of those mitigation measures would aid in shielding development from the scenic corridor and ensure the future homes and accessory structures will be designed to blend in with the environment. These mitigations have been incorporated as conditions of approval. Future development of the project site is not part of this Project; however, based on the zoning construction of each new home will be subject to a discretionary review by the County to ensure the mitigations approved with this permit are followed in perpetuity. LPR SP Policy F.4 states that open space areas shall be adequately protected from development by placing the area in scenic easements and/or open space zoning. The Project has been conditioned requiring recordation of a Conservation and Scenic Easement consistent with this policy.
- d) Exterior Lighting. General Plan Policy LU-1.13 states that all exterior lighting shall be unobtrusive and constructed or located so that only the intended area is illuminated, long range visibility is reduced of the lighting source, and off-site glare is fully controlled. TAP Policy T-3.5 states that exterior/outdoor lighting shall be located, designed, and enforced to minimize light sources and preserve the quality of darkness. Street lighting shall be as unobtrusive as practicable and shall be consistent in intensity throughout the Toro area. As demonstrated in preceding Evidence “c”, the Project has been conditioned requiring submittal and approval of an exterior lighting plan.

- e) Neighborhood Character. As proposed, the bulk and mass of the proposed structures would not contrast with the neighborhood character. As described above, the Project will eventually be built out with 26 single-family residences similar in design and density to the adjacent Las Palmas Ranch residential neighborhood containing both one and two-story residences as well as a three-story commercial structure (i.e., the Corey House). The scale and massing of the single-family residences would be substantially reduced compared to the originally proposed assisted care living facility. All structures would be in accordance with design guidelines and use appropriate landscaping.
- f) Private Views. Concerns were expressed by interested members of the public regarding the previously proposed structures heights of the senior care facility and the impact on private views and privacy of surrounding residences. Private views and privacy are not protected under applicable Monterey County policies or regulations. However, General Plan Policy OS-1.5 states that new subdivisions shall avoid lot configurations which create building sites that will constitute ridgeline development. Siting of new development visible from private viewing areas may be taken into consideration during the subdivision process. As demonstrated in Finding 8, Evidence “m”, the Project would not result in ridgeline development. Although some homeowners may still be able to see the proposed development from their private residences, views of the proposed subdivision from the viewshed of SR 68, River Road, and Las Palmas #1 site are significantly reduced compared to the original project. Additionally, views within the adjacent residential subdivision are obstructed by existing single-family residences and existing topography. The proposed project includes 30,000 less square feet of development, 10 feet in height reduction and the removal of 10 less trees. Although private views are not protected, the applicants have considered them when designing their proposal and the added Mitigation Measures will also soften the impact of the development on private views.
- g) Aesthetics and Potential Impact on the Environment. As demonstrated in Finding 6 and supporting evidence, the Project would not result in a significant aesthetic impact.
- h) The application, plans, and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development are found in Project File PLN150372, including Board of Supervisors Resolution No. [XX] approving the LPR SP amendment and the Board of Supervisors Resolution No. [XX] certifying the FSEIR and adopting a Statement of Overriding Considerations.

**6. FINDING:**

**CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) –**  
 The Planning Commission, as the recommending body, and the Board of Supervisors, as the decision maker, has reviewed the Draft Subsequent Environmental Impact Report (DSEIR) and the Final Subsequent Environmental Impact Report (FSEIR), as augmented

September 2023. By separate resolution, the Board of Supervisors has certified the FSEIR and adopted appropriate CEQA findings, including a Statement of Overriding Considerations. Adoption of the Mitigation Monitoring and Reporting Plan ensures that the Project will not result in a significant impact to the environment.

- EVIDENCE:**
- a) On November 8, 2023, the Planning Commission considered the FSEIR as augmented, recommended certification of the augmented FSEIR and incorporation of mitigation measures as conditions of Project approval.
  - b) By separate resolution (see Board Resolution No. [XX]), the Board of Supervisors has certified the River View Final Subsequent Environmental Impact Report (FSEIR) as augmented in September 2023. All applicable mitigation measures have been incorporated within the Project as Conditions of Approval. In accordance with Public Resources Code section 21081.6, certification of the FSEIR and approval of the Project includes the adoption of a Mitigation Monitoring and Reporting Plan, an action that is part of this resolution.
  - c) Implementation of standard conditions of approval and mitigations incorporated by conditions of approval relative to health and safety requires the applicant to enter into a Maintenance Agreement that clearly identifies the responsible party for ongoing maintenance of structural Stormwater Control Measures, prepare an Operations and Maintenance Plan, a Stormwater Control Plan, a Final Improvement Plan (Mitigation Measure AES-3), as well implement Dust Control Measures (Mitigation Measure AQ-1) and reduce construction exhaust emissions (Mitigation Measure AQ-3).
  - d) The application, plans, and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development are found in Project File PLN150372, including Board of Supervisors Resolution No. [XX] approving the LPR SP amendment and the Board of Supervisors Resolution No. [XX] certifying the FSEIR and adopting a Statement of Overriding Considerations.

7. **FINDING:** **NO VIOLATIONS** – The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County’s zoning ordinance. No violations exist on the property.

- EVIDENCE:**
- a) Staff reviewed Monterey County HCD-Planning and HCD-Building Services records and is not aware of any violations existing on subject property. Staff conducted multiple site inspections, the most recent one being in May of 2023, no violations were observed on the property.
  - b) The application, plans, and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development are found in Project File PLN150372, including Board of Supervisors Resolution No. [XX] approving the LPR SP amendment and the Board of Supervisors Resolution No.

[XX] certifying the FSEIR and adopting a Statement of Overriding Considerations.

**8. FINDING:**

**SUBDIVISION** – Section 66474 of the California Government Code (Subdivision Map Act) and Title 19 (Subdivision Ordinance) of the Monterey County Code (MCC) requires that a request for subdivision be denied if any of the following findings are made:

1. That the proposed map is not consistent with the applicable general plan and specific plans.
2. That the design or improvement of the proposed subdivision is not consistent with the applicable general plan and specific plans.
3. That the site is not physically suitable for the type of development.
4. That the site is not physically suitable for the proposed density of development.
5. That the design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.

Based on the whole of the record, and as demonstrated in the evidence below, findings for denial of this subdivision cannot be made in this case.

**EVIDENCE:**

- a) Consistency. As demonstrated in Findings 1 through 12 and supporting evidence, the Project as designed and conditioned is consistent with the 2010 Monterey County General Plan, Toro Area Plan, Las Palmas Ranch Specific Plan and other County health, safety, and welfare ordinances related to land use development.
- b) Subdivision Design – Minimum Lot Size. The minimum lot size is consistent with the Lot Design Standards contained in MCC section 19.10.030. The residential lot sizes vary in area and are between 4,249 square feet and 11,785 square feet; the median lot size would be 5,796 square feet. MCC section 21.12.060.A. states that the minimum building site which may be created shall be 6,000 square feet unless otherwise approved as part of a condominium, planned unit development or similar clustered residential subdivision. A condition of approval has been applied to require the applicants to rezone the residential parcels to add a B-6 overlay district. MCC section 21.42.030.F states, lots with a B-6 overlay may not be further subdivided or adjusted to reduce the size of the lot as shown on the recorded final map. Therefore, the lot sizes as approved cannot be reduced in the future. As demonstrated in Finding 5 and 6 and supporting evidence, the residential subdivision has been clustered to reduce visual impacts and avoid slopes in excess of 25% to the maximum extent feasible. Further, lots are clustered pursuant to General Plan Policies LU-1.7 and OS-3.6.

- c) Subdivision Design – Lot Width and Depth. The minimum lot width and depth is consistent with the Lot Design Standards contained in MCC section 19.10.030. Per subsection B, lot width shall not be less than an average of 60 feet, nor the depth of the lot less than necessary to provide the minimum lot size required. Although a portion of the lots have a total width less than 60 feet, the average lot width of the 26 lots is 60 feet.
- d) Site Suitability. The site is suitable for the proposed project including the type and density of the development (see Finding 2 and supporting evidence).
- e) Environment. As demonstrated in Finding 6 and supporting evidence, the subdivision design and improvements will not cause environmental damage to fish or wildlife habitat.
- f) Health and Safety. The proposed project as designed and conditioned will not, under the circumstances of the particular application, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or to the general welfare of the County (see Finding 3 and supporting evidence).
- g) Water Supply. MCC section 19.10.070 requires provisions to be made for domestic water supply as may be necessary to protect public health, safety, or welfare, and that the source of supply is adequate and potable. MCC sections 19.03.015.L and 19.07.020.K require Water Supply and Nitrate Loading Information in order to assess these conditions and proof that there is a long-term water supply with the project. The subdivision will receive potable water from the California Water Service Company. The applicants submitted a “can and will serve” letter for the original senior assisted living facility which required more water than the proposed subdivision. The original proposal had an estimated water demand of 11.376 AFY. The maximum of 30 residences that would be constructed under Alternative 3b of the FSEIR would be expected to have a water demand of approximately 5.0 AFY. Also see Findings 3 and 11 and supporting evidence.
- h) Sewage Disposal. Sewage disposal services, in accordance with MCC sections 19.03.015.K and 19.07.020.J would be the same as the originally proposed project. The wastewater collection and treatment system has adequate capacity for sewage disposal, and will be serviced by California American Water company (see Finding 3 and supporting evidence).
- i) Easements. River Road is a public road maintained by the County of Monterey. Las Palmas Road, River Run Road, and Woodridge Court are private roads maintained by the Las Palmas Home Owners Association (LPHOA). The applicant has the necessary access rights to the site via a non-exclusive easement for ingress, egress, road and utilities. See Finding No. 1, Evidence “o”, regarding Proof of Access. Based on evidence submitted by the applicant in the form of a grant deed (Document No. 2013046807; recorded July 24, 2013), the attached property legal description describes an easement to the

subject parcel over these private roads for ingress, egress, road and utilities. The subdivision will not conflict with easements.

- j) Traffic. Project design/area relative to access and circulation. A Traffic Impact Analysis was prepared for the Project 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. The augmented FSEIR analyzed Project traffic impacts under Alternative 3b. Additional but unavoidable traffic would be added to SR 68; approximately 264 trips per day, this number is significantly reduced from the originally proposed project which had an estimated 362 trips per day. The Traffic Impact Analysis and memo are included as Exhibit G, Appendix B of the November 8, 2023 Planning Commission staff report.
- k) Affordable Housing. As demonstrated in Finding 4 and supporting evidence, the Project is in compliance with the Monterey County Inclusionary Housing Ordinance.
- l) Parks and Recreation. The project has been determined to be in accordance with provisions contained in Title 19 section 19.12.010 - Quimby Act requirements. As a condition of approval, that the subdivider shall dedicate land, pay a fee in lieu thereof, or both, at the option of the County, for park or recreational purposes. Condition No. III requires the applicants to either construct a park on the property for the residents of the Homeowners Association to enjoy, or pay an in-lieu fee to the parks department.
- m) Ridgeline Development. MCC section 21.06.950 defines “ridgeline development” as “development on the crest of a hill which has the potential to create a silhouette or other substantially adverse impact when viewed from a common public viewing area.” The project site is a plateaued area rising above River Road and the adjacent subdivision residences. The common public viewing areas that the project would be visible from include short portions of River Road, in close proximity to the site, and a portion of State Route 68, at a distance. Although the site is naturally elevated above its immediate surroundings, the broader surroundings include a range of elevations, with nearby hills of substantially greater elevations, and the project would not result in ridgeline development. As proposed, residential structures would be silhouetted against a mountainous background, not against the sky, when viewed from common public viewing areas. Additionally, project mitigation measures will require landscape screening and earth-toned building colors to further minimize project visual impacts.
- n) Open Space. General Plan Policy LU-2.7 states that open space may be provided in and/or on the fringes of residential development. General Plan Policy LU-8.2 states that clustering, consistent with the other policies of this Plan, shall be considered as a means of maximizing permanent open space within new development. General Plan Policy LU-8.4 states that wherever possible, open space lands provided as part of a development shall be integrated into an area-



wide open space network. Development within the proposed open space parcel is limited to internal roadways, underground utilities, landscaping and parks and/or recreational trails are allowed within the open space parcel. As demonstrated in Finding 5, 9 and preceding Evidence “b”, the residential lots have been clustered allowing open space parcels to surround the subdivision.

- o) Subdivision Improvements. Although the County’s Subdivision Ordinance regulations require specific timing requirements for the installation of subdivision improvements, the FSEIR identified that visual impacts would be reduced to less than significant with implantation of Mitigation Measure AES-3 which requires the applicant submit final improvement plans for review and approval prior to issuance of a grading permit. This mitigation has been incorporated as a condition of approval.
- p) The project planner reviewed the application materials, plans, and County GIS records to verify that the proposed project on the subject parcel conforms to the applicable plans and MCC, and will not adversely impact the neighborhood character or scenic/visual resources. County staff, including the environmental review consultant, also conducted numerous site inspections between May 2015 and May 2023 to verify that the proposed project would be consistent with uses and structures in the surrounding area.
- q) The application, vesting tentative map, and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development are found in Project File PLN150372, including Board of Supervisors Resolution No. [XX] approving the LPR SP amendment and the Board of Supervisors Resolution No. [XX] certifying the FSEIR and adopting a Statement of Overriding Considerations.

**9. FINDING:**

**DEVELOPMENT ON SLOPE EXCEEDING 25 PERCENT –**  
There is no feasible alternative which would allow development to occur on slopes of less than 25% and better achieves the goals, policies and objectives of the Monterey County General Plan and applicable area plan than other development alternatives.

**EVIDENCE:**

- a) In accordance with the 2010 Monterey County General Plan Policy OS-3.5 and MCC section 21.64.230.A.1, a Use Permit is required and the criteria to grant said permit have been met. There is no other feasible location for the proposed development on slopes which includes construction of a new internal roadway with retaining walls to access the subdivision and associated underground water, sewer and electrical utility lines.
- b) Due to the topography of the parcel, the subject property is not accessible from Woodridge Court without development on slopes exceeding 25% to allow improvements to the existing access road. The retaining walls and slope stabilization are required to ensure the development does not pose a health and safety risk and/or not cause off-site impacts. According to Monterey County GIS, a small portion of the westernmost roadway and parking area of the subdivision also

contains slopes in excess of 25%. Deletion of this roadway area would result in terminating vehicle access at Residential Lot 9 and Residential Lot 15 and create 2 dead end roadways within the subdivision which would potentially conflict with access requirements of the applicable Fire Code (see Finding 10 and supporting evidence). Staff has reviewed the vesting tentative map and visited the site to analyze possible development alternatives. Based on existing site access and topographical limitations for the proposed project, there is no feasible alternative which would allow development to occur on slopes of less than 25%. The clustered lots have been sited and designed to conform to site topography and to minimize grading and other site preparation activities, consistent with applicable policies and regulations.

- c) In accordance with the County's GIS, a small portion of rear yards of residential Lot 8 and Lot 9 may contain slopes in excess of 25%. However, the Geologic Hazards Report and Soil Engineering Feasibility Investigation (LIB150359) prepared for the development of the site, indicates this area contains undocumented manmade fill (soils) and trash fill. Although vertical development of these lots is not anticipated at this time, consistency with Title 19 section 19.10.055.B is required. This section states that in areas of eroding slopes and near drainageways, development (building pads and driveways) shall maximize retention of natural landforms such as rolling hills, ridgetops and areas of extensive vegetation and water courses. Based on the conclusions of the project geologist, future development of these lots would not occur over natural landforms.
- d) A Geologic Hazards Report and Soil Engineering Feasibility Investigation (LIB150359) prepared for the development of the site determined that, as proposed, the project would not be subject to, nor increase, any on- or off-site slope stability hazards.
- e) The County reviewed the application materials, and site plan to verify that the subdivision minimizes development on slopes exceeding 25% in accordance with the applicable goals and policies of the Monterey County 2010 General Plan and applicable zoning codes. The proposed access road is the minimum necessary to accommodate access to the site as well as access by emergency response vehicles.
- f) Pursuant to MCC section 16.08.110, the recommendations included in geological reports shall be incorporated in the grading plans and specifications. Therefore, the applicant must follow all recommendations from the soils engineer.
- g) The application, site plans, and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development found in Project File PLN150372, including Board of Supervisors Resolution No. [XX] approving the LPR SP amendment and the Board of Supervisors Resolution No. [XX] certifying the FSEIR and adopting a Statement of Overriding Considerations.

**10. FINDING:**

**WILDFIRE PROTECTION STANDARDS IN STATE RESPONSIBILITY AREAS**

– The Project, as conditioned, will ensure standardized basic emergency access and fire protection, pursuant to Section 4290 of the Public Resource Code.

**EVIDENCE:**

- a) The Project site is within the Monterey County State Responsibility Area and would potentially expose people and structures to risk of wildland fire as the future development of the residential lots would be adjacent to undeveloped open space.
- b) Monterey County Code Chapter 18.56, Wildfire Protection Standards in State Responsibility Areas, requires that future design and construction of structures, subdivisions and developments in State Responsibility Areas shall provide for emergency access and perimeter wildfire protection measures. The Project, as designed and conditioned, provides for emergency access and fire suppression. Per consultation with California Department of Forestry and Fire Protection (CalFire) and Monterey County Regional Fire Protection District (FPD), the site’s proposed emergency evacuation route is sufficient per current State regulations because the length of the site’s access road does not exceed the distance that would result in a requirement for secondary ingress/egress. Due to the occupancy type, the site would be subject to Wildland Urban Interface Codes and Standards, which could allow occupants to “shelter in place” in the event of a fire and as determined by the applicable Fire Department based on fire conditions. Per Monterey County Regional FPD and CalFire, the proposed tree removal would help reduce fuel load and the risk of wildfire. Additionally, the future development would not increase wildfire risk, and would likely improve the firebreak and firefighting protection for the existing residential area of Las Palmas.
- c) To the extent practicable, ingress and egress for the subdivision meets the regulations regarding road standards for fire equipment access adopted pursuant to Section 4290 of the Public Resources Code and any applicable local ordinance.
- d) The project is consistent with Chapter 18.56 of the Monterey County Code, to the extent applicable. In 1992, the Monterey County Board of Supervisors adopted Ordinance No. 3600, enacting Chapter 18.56 of the Monterey County Code, to implement Public Resources Code sections 4117 and 4290. The purpose of the ordinance is to establish wildfire protection standards in conjunction with building, construction, and development in State Responsibility Areas (SRAs) within the unincorporated area of the County and within the “direct fire protection authority of the California Department of Forestry.” (MCC section 18.56.010.A). These standards require that future design and construction of development in SRAs provide for emergency access and perimeter wildfire protection measures. Chapter 18.56 was added to Title 18 of the Monterey County Code where it has remained since 1992. In 1992, the Board of Forestry and Fire Protection (the Board of Forestry) certified the Ordinance.

- e) The conceptual landscape plan submitted by the applicant and analyzed during environmental review provides for maintained and irrigated defensible space around the proposed structures.
- f) During project review, applicable agencies and departments have reviewed the proposed development to ensure the following: 1) all driveways meet minimum requirements regarding width, surface, grade, and turning radius or turnaround; 2) maintenance of adequate defensible space around all structures; and 3) all structures will have adequate fire protection equipment [sprinkler systems], fire alarms systems, and roof construction.
- g) The application, site plans, and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development found in Project File PLN150372, including Board of Supervisors Resolution No. [XX] approving the LPR SP amendment and the Board of Supervisors Resolution No. [XX] certifying the FSEIR and adopting a Statement of Overriding Considerations.

**11. FINDING:**

**LONG-TERM SUSTAINABLE WATER SUPPLY AND ADEQUATE WATER SUPPLY SYSTEM**

– The Project location has a long-term, sustainable water supply, both in quality and quantity, and an adequate water supply system to serve the development as required by General Plan Policies PS-3.1 and PS-3.2, respectively.

**EVIDENCE:**

- a) The proposed subdivision will require the use of potable water. The existing water use is negligible, and the baseline condition identified in the River View FSEIR was considered to be zero. As analyzed in the augmented FSEIR, Alternative 3b (up to 30-lot subdivision), when fully built out with single-family residences would have an estimated water demand of approximately 5 acre feet of water per year.
- b) The Project’s water supply would be provided by the California Water Service Company (CWS). The Project site is located within CWS’s Indian Springs/Salinas Hills/Buena Vista service area, and CWS would provide potable water to the site from wells located in the Salinas Valley groundwater basin. The CWS wells and the Project site are located in the Monterey County Water Resources Agency benefit assessment Zone 2C, and the project applicant/owner has been paying the Zone 2C assessment. Landscape irrigation on the project site associated with the proposed project would use reclaimed water from the Las Palmas Ranch Wastewater Treatment Facility, operated by California American Water.
- c) CWS as the water provider is a regulated public utility which is mandated to provide water that meets public health standards and thus has adequate water quality as required by PS-3.2(a).
- d) Potable water would be provided by CWS via its entitlements detailed in the Augmented Final SEIR, incorporated herein by reference. This satisfies the criteria in PS-3.2(b), which points to the authorized production capacity of a facility operating pursuant to a

permit from a regulatory agency. CWS projected that, under all hydrologic conditions, its groundwater supply for the Salinas District will fully meet future demands through 2040. CWS has also provided a “can and will serve” letter for the proposed project that indicates the applicable water purveyor for the site is able to provide water supply for the proposed project based on its existing facilities.

- e) CWS has the technical, managerial, and financial capability to provide water to the subject site consistent with PS-3.2(c). CWS has a proven record and has demonstrated its technical, managerial and financial capabilities to deliver water.
- f) PS-3.2(d) requires consideration to the rights to water from the source. In this case, CWS’s Urban Water Management Plan (UWMP), which is incorporated by reference in the Augmented Final SEIR and herein by reference, provides detailed information on the Salinas District’s historical and projected water demands, water supplies, supply reliability and vulnerabilities, water shortage contingency planning, and demand management programs, including water conservation planning. The Augmented Final SEIR sufficiently analyzed water supply availability and reliability. As stated above, CWS projected that its groundwater supply for the Salinas District will fully meet future demands through 2040 under all hydrologic conditions.
- g) General Plan Policy PS-3.2(e) and (g) state:
  - e. *Cumulative impacts of existing and projected future demand for water from the source, and the ability to reverse trends contributing to an overdraft condition or otherwise affecting supply; and to those resources and species.*
  - g. *Completion and operation of new projects, or implementation of best practices, to renew or sustain aquifer or basin functions.*

Although the Salinas Valley Groundwater Basin is currently in overdraft, actions taken by both CWS and Monterey County Water Resources Agency (MCWRA), including conservation, system improvements, and future projects are projected to continue to provide for a reliable water supply. Relevant efforts include the Salinas Valley Water Project, Conservation Master Plan, and Greater Monterey County Integrated Regional Water Management Program. Additional detail of these efforts is provided in the Draft SEIR and Augmented Final SEIR, and is incorporated herein by reference.

- h) Substantial evidence related to proof of a suitable water supply for the project is provided in the following documents, which are incorporated herein by reference:
  - Analysis and references in the Draft SEIR and Augmented Final SEIR, including Section 10.0, *Water Supply*;
  - California Water Service’s “can and will serve” letter included in Draft SEIR Appendix E;
  - California Water Service’s *updated* will-serve letter included in Final SEIR Appendix I-2; and

- Discussion and analysis in responses to comments and Final SEIR.
- i) The Las Palmas Ranch Specific Plan FEIR estimated total water demand for the Specific Plan area to be 922 AFY. When proposed, the specific plan included 1,578 housing units, which was evaluated in the specific plan EIR. However, the County ultimately approved only 1,031 housing units, approximately sixty-five percent of the original number. Sixty-five percent of 922 AFY would result in a corresponding water demand of approximately 599 AFY. Actual water use for the specific plan area is estimated at approximately 182 AFY. Therefore, the total water use ( $182 + 5 = 187$  AFY) would be approximately 412 AFY less than the County approved in 1983 for the specific plan area. The 182 AFY estimate of actual water use is based on the amount of wastewater flow as described in the Final SEIR.
- j) The proposed subdivision is within benefit assessment Zone 2C of the Monterey County Water Resources Agency which provides funding for water projects that address seawater intrusion in the Salinas Valley groundwater basin. The property owners have been paying annual assessments to receive benefits associated with water projects that improve water supply and water quality. The Final Augmented SEIR states the proposed subdivision will have less of a water demand than the originally proposed Senior Assisted Living Facility.
- k) Sustainable Groundwater Management Act of 2014 (SGMA). The State of California passed legislation in 2014 to provide for the sustainable management of basins at a local level by providing local agencies with the authority, and with technical and financial assistance, to sustainably manage groundwater. SGMA uses California Groundwater Bulletin 118 (2020 Update) to determine a category for each groundwater basin. Cal Water extracts groundwater from two hydraulically connected sub-basins of the groundwater basin known as the Pressure Subarea and the East Side Subarea. The Pressure Area is a region of gradually declining groundwater elevations and is characterized by three confined aquifer systems, overlain and separated by thick clay layers that act as aquicludes. These aquifers named for their relative depths are known as the “180-foot”, the “400-foot”, and “900-foot” aquifers. The groundwater level in the East Side Area is declining more rapidly than any other area in the groundwater basin. The East Side Area is comprised of unconfined, randomly scattered water bearing strata. The State has designated the 180-foot and 400-foot aquifers as critically over-drafted. The SGMA requires that aquifers identified as being in critical overdraft have Groundwater Sustainability Plans (GSPs) adopted by 2020 and that improvements/actions required by that plan be operational by 2040. The Act also requires that aquifers identified as a Medium or High Priority Basin, but not in critical overdraft, have Groundwater Sustainability Plans adopted by 2022 and that improvements/actions required by that plan be operational

by 2042. The groundwater basin is identified as a High Priority Basin, and the 180-foot and 400-foot aquifers of the Pressure Subarea and the East Side Subarea sub-basins are identified as in critical overdraft. Therefore, a plan was adopted by 2020 and actions to bring the basin into a sustainable state, as defined in the local GSP, must be operational by 2040. A Groundwater Sustainability Agency, the Salinas Valley Basin Groundwater Sustainability Agency (SVBGSA), was formed in 2017 for the area within which the project is located. The SVBGSA is charged with achieving groundwater sustainability through the development and implementation of Groundwater Sustainability Plans (GSPs) under this Act. The SVBGSA has been preparing GSPs for this area to meet its legislative mandate to bring the basin into balance and to have the GSP adopted for the Pressure Subarea and the East Side Subarea sub-basin areas by 2020. In January 2020, the Salinas Valley Basin Groundwater Sustainability Agency adopted a Groundwater Sustainability Plan for the 180/400 aquifer sub-basin. See Section 10.0 of the DSEIR, and Section 4 of the FSEIR, for related discussions.

- l) Regarding the General Plan requirement for MCWRA consultation to determine long-term, sustainable water supply (GP Policy PS-3.2) and the role of Monterey County Housing and Community Development HCD), in March 2019 the MCWRA and HCD executed a Memorandum of Understanding (MOU) for development services. Per the MOU, the performance of and responsibility for analysis of long-term, sustainable water supply pursuant to General Plan Policy PS-3.2 on discretionary projects was assumed by HCD, which has the expertise of a Senior Hydrologist. Additionally, HCD did consult with the MCWRA.
- m) The application, site plans, and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development found in Project File PLN150372, including Board of Supervisors Resolution No. [XX] approving the LPR SP amendment and the Board of Supervisors Resolution No. [XX] certifying the FSEIR and adopting a Statement of Overriding Considerations.

**12. FINDING:**

**DEVELOPMENT EVALUATION SYSTEM /MONTEREY COUNTY 2010 GENERAL PLAN POLICY LU-1.19** – The project, as proposed and conditioned, is consistent with Policy LU-1.19 of the 2010 General Plan.

**EVIDENCE:**

- a) The project is outside of a Community Area, Rural Center or official Affordable Housing Overlay and is thus subject to Policy LU-1.19. While the project is being considered in advance of adoption of the Development Evaluation System (DES), the County applies the criteria in Policy LU-1.19 to projects as applicable, pending adoption of the Development Evaluation System. Based on the specific facts associated with this application, it is determined that the project

# County of Monterey HCD Planning

## DRAFT Conditions of Approval/Implementation Plan/Mitigation Monitoring and Reporting Plan

PLN150372

### 1. PD001 - SPECIFIC USES ONLY

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** This Amendment to the Las Palmas Ranch Specific Plan and Combined Development Permit (HCD-Planning File No. PLN150372) allows a 26 lot subdivision and associated site improvements, and development on slope exceeding 25 percent. The property is located at the end of Woodridge Court, Salinas (Assessor's Parcel Number 139-211-035-000), Las Palmas #1 Subdivision, Toro Area Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Chief of HCD-Planning. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (HCD-Planning)

**Compliance or Monitoring Action to be Performed:** The Owner/Applicant shall adhere to conditions and uses specified in the permit on an on-going basis unless otherwise stated.

### 2. PD002 - NOTICE PERMIT APPROVAL

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** The applicant shall record a Permit Approval Notice. This notice shall state: "An Amendment to the Las Palmas Ranch Specific Plan and a Combined Development Permit (Resolution Number \_\_\_\_\_) were approved by the Board of Supervisors for Assessor's Parcel Number 139-211-035-000 on [DDATE]. The permit was granted subject to 42 conditions of approval and mitigation measures which run with the land. A copy of the permit is on file with Monterey County HCD-Planning."

Proof of recordation of this notice shall be furnished to HCD-Planning prior to issuance of grading and/or building permits, Certificates of Compliance, or commencement of use, whichever occurs first and as applicable. (HCD-Planning)

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of grading and/or building permits, certificates of compliance, or commencement of use, whichever occurs first and as applicable, the Owner/Applicant shall provide proof of recordation of this notice to HCD-Planning.



### 3. PD003(A) - CULTURAL RESOURCES NEGATIVE ARCHAEOLOGICAL REPORT

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. Monterey County HCD-Planning and a qualified archaeologist (i.e., an archaeologist registered with the Register of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for recovery. (HCD-Planning)

**Compliance or Monitoring Action to be Performed:** The Owner/Applicant shall adhere to this condition on an on-going basis.

Prior to the issuance of grading or building permits and/or prior to the recordation of the final/parcel map, whichever occurs first, the Owner/Applicant shall include requirements of this condition as a note on all grading and building plans.

### 4. PD005 - FISH & GAME FEE NEG DEC/EIR

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** Pursuant to the State Public Resources Code Section 753.5, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee, to be collected by the County, within five (5) working days of project approval. This fee shall be paid before the Notice of Determination is filed. If the fee is not paid within five (5) working days, the project shall not be operative, vested or final until the filing fees are paid. (HCD-Planning)

**Compliance or Monitoring Action to be Performed:** Within five (5) working days of project approval, the Owner/Applicant shall submit a check, payable to the County of Monterey, to HCD-Planning.

If the fee is not paid within five (5) working days, the applicant shall submit a check, payable to the County of Monterey, to HCD-Planning prior to the recordation of the final/parcel map, the start of use, or the issuance of building permits or grading permits.

## 5. PD006 - CONDITION OF APPROVAL / MITIGATION MONITORING PLAN

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** The applicant shall enter into an agreement with the County to implement a Condition of Approval/Mitigation Monitoring and/or Reporting Plan (Agreement) in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. Compliance with the fee schedule adopted by the Board of Supervisors for mitigation monitoring shall be required and payment made to the County of Monterey at the time the property owner submits the signed Agreement. The agreement shall be recorded. (HCD-Planning)

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of building and/or grading permits, the Owner/Applicant shall:

- 1) Enter into an agreement with the County to implement a Condition of Approval/Mitigation Monitoring Plan;
- 2) Submit applicable fees at the time of submittal of the signed Agreement; and
- 3) Submit proof of recordation of the Agreement to HCD-Planning.

## 6. PD013 - STREET LIGHTING

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** All street lights in the development shall be approved by the Director of HCD - Planning. (HCD - Planning Department)

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of grading or building permits for street lights, the Owner/Applicant shall submit three copies of the lighting plans to the HCD - Planning for review and approval. Approved lighting plans shall be incorporated into final building plans.

Prior to occupancy and on an on-going basis, the Owner/Applicant shall ensure that the lighting is installed and maintained in accordance with the approved plan.

## 7. PD022(A) - EASEMENT-CONSERVATION & SCENIC

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** A conservation and scenic easement shall be conveyed to the County over those portions of the property where (INSERT RESOURCES TO BE PROTECTED) exist(s). The easement shall be developed in consultation with certified professionals. An easement deed shall be submitted to, reviewed and approved by, the Director of HCD - Planning and accepted by the Board of Supervisors prior to recording the parcel/final map or prior to the issuance of grading and building permits. (HCD - Planning)

**Compliance or Monitoring Action to be Performed:** Prior to recordation of the parcel/final map or prior to the issuance of grading and building permits, the Owner/Applicant/Certified Professional shall submit the conservation and scenic easement deed and corresponding map, showing the exact location of the easement on the property along with the metes and bound description developed in consultation with a certified professional, to HCD - Planning for review and approval.

Prior to or concurrent with recording the parcel/final map, prior to the issuance of grading and building permits, or prior to the commencement of use, the Owner/Applicant shall record the deed and map showing the approved conservation and scenic easement. Submit a copy of the recorded deed and map to HCD - Planning.

## 8. PD032(A) - PERMIT EXPIRATION

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** The permit shall be granted for a time period of three (3) years, to expire on December 5th, 2026, unless use of the property or actual construction has begun within this period. (HCD-Planning)

**Compliance or Monitoring Action to be Performed:** Prior to the expiration date stated in the condition, the Owner/Applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the Chief of HCD-Planning. Any request for extension must be received by HCD-Planning at least 30 days prior to the expiration date.

## 9. PD036 - UTILITIES-SUBDIVISION

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** A note shall be placed on the parcel/final map or a separate sheet to be recorded with the parcel/final map indicating that "Underground utilities are required in this subdivision in accordance with Chapter 19.10.095, Title 19 of the Monterey County Code." Such facilities shall be installed or bonded through a Subdivision Improvement Agreement prior to filing the parcel/final map. The note shall be located in a conspicuous manner subject to the approval of the Director of HCD-Public Works. (HCD - Planning)

**Compliance or Monitoring Action to be Performed:** Prior to recording the parcel/final map, the Owner/Applicant shall place a note on the map or on a separate sheet and submit to HCD - Planning for review and approval.

The Owner/Applicant shall install or bond through a a Subdivision Improvement Agreement for the underground utility facilities.

## 10. PD041 - HEIGHT VERIFICATION

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible on-site until final building inspection. The applicant shall provide evidence from a licensed civil engineer or surveyor to HCD-Building Services for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit associated with this project. (HCD-Planning and HCD-Building Services)

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of grading or building permits, the Owner/Applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible onsite until final building inspection.

Prior to the final inspection, the Owner/Applicant/Engineer shall provide evidence from a licensed civil engineer or surveyor to HCD-Building Services and HCD-Planning for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit.

## 11. PD052 - PRE-CONSTRUCTION MEETING

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** Prior to the commencement of any grading or construction activities, a pre-construction meeting shall be held on the site. The meeting shall include representatives of each of the selected contractors, any consultant who will conduct required monitoring, the Owner/Applicant, the HCD-Planning representative, and representatives from any other appropriate County Department(s). The purpose of the meeting is to review the conditions of approval that are applicable to the grading and construction of the approved development to ensure all parties understand applicable requirements. (HCD-Planning)

**Compliance or Monitoring Action to be Performed:** Prior to commencement of any grading or construction activities, the Owner/Applicant shall contact HCD-Planning to schedule a pre-construction meeting prior to commencement of any grading or construction activities.

The Owner/Applicant shall be responsible for ensuring that all appropriate contractors and technical consultants are in attendance. HCD-Planning staff shall be responsible for identifying and notifying other County Department(s) that should attend the meeting (if applicable).

## 12. PDSP001 - PRIVATE ROAD MAINTENANCE

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** Prior to issuance of grading and/or building permits for the project, the owner/applicant shall submit evidence of a properly executed private road maintenance agreement (i.e., an agreement between parties to a private road concerning the costs and responsibilities of those parties for upkeep and repair of the private road) to HCD-Planning. The private road maintenance agreement shall be between the owner/applicant for the subject project and the Las Palmas HOA (Las Palmas Ranch Master Association No. 1). Other acceptable forms of evidence are a written withdrawal of objections from the Las Palmas HOA, a final settlement or final judicial determination, or written documentation showing that a majority of the parties to a private road have agreed to repair and maintenance terms in light of the project.

The County is not a party to such private road maintenance agreement and does not interpret or enforce their terms and conditions, nor does the County have jurisdiction to adjudicate a dispute among the parties as to the maintenance of any private road. Pursuant to Monterey County Code Section 16.80.060.E, the HCD Chief of Planning shall have the authority to stay the expiration of the entitlement for the project for a period no greater than the number of days from initial filing of judicial proceedings to the final judicial determination or settlement regarding the access dispute. (HCD-Planning)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of grading and/or building permits, the owner/applicant shall submit to HCD-Planning evidence of a properly executed private road maintenance agreement, or other acceptable form of evidence as noted above.

## 13. PDSP002 - CONFIRMATION OF ADEQUATE WASTEWATER TREATMENT CAPACITY (NON-STANDARD)

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** To assure that adequate waste water treatment facilities will be available to River View at Las Palmas (RVLP), no grading or building permits shall be issued for RVLP until a plan for any necessary upgrades to the Las Palmas Waste Water Treatment facilities to serve RVLP is approved by the Director of Housing and Community Development and the Regional Water Quality Control Board. The plan shall be in sufficient detail to: 1) Identify the necessary improvements to the waste water treatment facilities owned and operated California American Water Company; 2) Identify the necessary improvements, including distribution system and disposal area(s) for the additional reclaimed waste water to be generated by River View at Las Palmas; and 3) Identify a schedule for completion of those improvements.

River View at Las Palmas shall develop and maintain a minimum of 3.18 acres, on-site or off-site, for the dispersal of reclaimed wastewater attributable to the project. The location and design of those improvements shall be subject to the approval of the HCD-Planning and the Regional Water Quality Control Board. (HCD-Planning)

**Compliance or Monitoring Action to be Performed:** Prior to occupancy of any phase of the River View at Las Palmas project, all necessary waste water disposal and/or dispersal improvements for that phase shall be installed, tested and approved by HCD-Planning and the Regional Water Quality Control Board.

**14. PDSP003 – REZONE TO ADD A BUILDING SITE 6 OVERLAY DISTRICT AND A TWENTY FOOT HEIGHT LIMIT (NON-STANDARD)**

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** Prior to the filing of the Final Map, the Owner/Applicant shall request in writing that the property be zoned from Medium Density Residential/2.61 units per acre with a Design Control overlay district or "MDR/2.61-D" to Medium Density Residential with Building Site 6 and Design Control overlay districts and a 20 foot height limit or "MDR/B-6-D(20)". (HCD-Planning)

**Compliance or Monitoring Action to be Performed:** Prior to recordation of the Final Map, the Owner/Applicant shall submit an application to the County of Monterey to rezone the property in accordance with the condition language above and receive approval from the Board of Supervisors for the rezoning.

**15. PDSP004 – HOMEOWNERS ASSOCIATION CC&R'S (NON-STANDARD)**

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** A homeowner's association shall be formed, or the Project area shall join the Las Palmas Ranch Master Association No. 1, for the maintenance of roads, drainage facilities, and open spaces. Monterey County Housing and Community Development Director, or his/her designee, and Public Works, Facilities and Parks Director, or his/her designee shall approve documents for formation of association prior to recordation of the Final Map. (HCD-Planning)

**Compliance or Monitoring Action to be Performed:** Prior to recordation of the Final Map, the Owner/Applicant shall submit the CC&R's to Monterey County Housing and Community Development and Public Works, Facilities and Parks for review and approval.

**16. EHSP01 - ORGANIC WASTE DIVERSION AND SEPARATION OF RECYCLABLES (Non-Standard)**

**Responsible Department:** Health Department

**Condition/Mitigation Monitoring Measure:** The facility shall separate recyclables from other solid waste generated at their premises and shall place such recyclables into a different approved container to facilitate segregation at a solid waste facility pursuant to California Assembly Bill AB 341 and Monterey County Code, Chapter 10.41. Additionally, the facility shall implement an organic waste recycling program to divert organic waste pursuant to AB 1826 Chesbro (Chapter 727, Statutes of 2014). (Environmental Health Bureau)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of construction permits, the owner/applicant shall submit documentation to the Environmental Health Bureau, for review and approval, of a descriptive plan on how recyclables and organic waste will be collected and stored. Solid waste, recycling and organic waste enclosures shall be sized appropriately and located on the site plan.

## 17. STORMWATER CONTROL PLAN (PR4)

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The applicant shall submit a Stormwater Control Report and a Stormwater Control Plan, prepared by a registered professional engineer, to HCD-Environmental Services for review and approval. The report and plan shall address the Post-Construction Stormwater Management Requirements (PCRs) for Development Projects in the Central Coast Region. The plan shall include the location of the drainage facilities and construction details. The Stormwater Plan shall include the construction inspection schedule that identifies when the inspections will be completed, who will conduct the inspection (i.e., PG, PE, and/or Special Inspector), a description of the required inspection, inspector name, and the completion date. Prior to issuance of any grading or building permits, the applicant shall submit certification from a licensed practitioner that they have reviewed and approved the Stormwater Control Plan for conformance with the geotechnical recommendations. (HCD-Environmental Services)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of any grading or building permits, the applicant shall submit a Stormwater Control Report and a Stormwater Control Plan to HCD-Environmental Services for review and approval.

Prior to issuance of any grading or building permits, the applicant shall submit certification from a licensed practitioner that they have reviewed and approved the stormwater control plan for conformance with the geotechnical recommendations.

## 18. FIELD VERIFICATION OF POST-CONSTRUCTION STORMWATER CONTROL MEASURES (PR4)

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The applicant shall provide certification from a registered Professional Engineer that the stormwater control facilities have been constructed in accordance with the approved Stormwater Control Plan. (HCD-Environmental Services)

**Compliance or Monitoring Action to be Performed:** Prior to final inspection, the owner/applicant shall submit a letter to HCD-Environmental Services for review and approval.

## 19. OPERATION AND MAINTENANCE PLAN (PR4)

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The applicant shall submit an Operation and Maintenance Plan prepared by a registered Professional Engineer that includes, at a minimum, the following:

- a) A site map identifying all structural Stormwater Control Measures requiring O&M practices to function as designed.
- b) O&M procedures for each structural Stormwater Control Measure including, but not limited to, LID facilities, retention/detention basins, and proprietary devices.
- c) The O&M Plan shall include short- and long-term maintenance requirements, recommended frequency of maintenance, and estimated cost for maintenance.

(HCD-Environmental Services)

**Compliance or Monitoring Action to be Performed:** Prior to final inspection, the owner/applicant shall submit the O&M Plan to HCD-Environmental Services for review and approval.

## 20. MAINTENANCE AGREEMENT (PR4)

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The applicant shall enter into a Maintenance Agreement (Agreement) that clearly identifies the responsible party for ongoing maintenance of structural Stormwater Control Measures. The Agreement shall contain provisions for an annual drainage system report, prepared by a registered Professional Engineer, that includes the status of all structural stormwater control measures and maintenance recommendations. The annual report shall be submitted to HCD-Environmental Services, for review and approval, no later than August 15th. All recommended maintenance shall be completed by October 15th of the same year. If maintenance is required, certification shall be provided that all recommended maintenance has been completed before the start of the rainy season. (HCD-Environmental Services)

**Compliance or Monitoring Action to be Performed:** Prior to final inspection, the owner/applicant shall submit the signed and notarized Agreement to HCD-Environmental Services for review and approval. The approved Agreement shall be recorded, and a copy of the recorded document shall be provided to HCD-Environmental Services.

A copy of the standard Agreement can be obtained at HCD-Environmental Services.

## 21. CALIFORNIA CONSTRUCTION GENERAL PERMIT

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The applicant shall submit a Waste Discharger Identification (WDID) number certifying the project is covered under the California Construction General Permit. (HCD-Environmental Services)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of any grading or building permits, the applicant shall submit a WDID number certifying the project is covered under the California Construction General Permit or a letter of exemption from the Central Coast Regional Water Quality Control Board.

## 22. PW0007 - PARKING STANDARD

**Responsible Department:** Public Works

**Condition/Mitigation Monitoring Measure:** The parking stalls and circulation shall meet County standards, and shall be subject to the approval of Public Works. (Public Works and HCD-Development Services)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of building and/or grading permits, the owner/applicant/engineer/architect shall prepare and submit a parking and circulation plan to Public Works for review and approval.



**23. PW0045 – COUNTYWIDE TRAFFIC FEE**

**Responsible Department:** Public Works

**Condition/Mitigation Monitoring Measure:** Prior to issuance of building permits, the owner/applicant shall pay the Countywide Traffic Fee or the ad hoc fee pursuant to General Plan Policy C-1.8. The fee amount shall be determined based on the parameters in the current fee schedule. (Public Works and HCD-Development Services)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of building or grading permits, the owner/applicant shall submit payment to HCD-Building Services for the traffic mitigation fee. The owner/applicant shall also submit proof of payment to Public Works.

**24. PKSSP001 – QUIMBY ACT REQUIREMENTS / LAND DEDICATION OR IN LIEU FEE (NON-STANDARD)**

**Responsible Department:** Parks Enforcement

**Condition/Mitigation Monitoring Measure:** The Applicant shall comply with Monterey County Subdivision Ordinance, Title 19 Section 19.12.010 for park and recreation purposes reasonably serving the residents of the subdivision. Compliance shall occur by either dedicating land and constructing recreation improvements onsite or by paying an in-lieu fee for park land dedication in accordance with the provisions contained in Title Section 19.12.010(D). (Parks Department)

**Compliance or Monitoring Action to be Performed:** Prior to the recordation of the Final Map, the Owner/Applicant shall comply with the Recreation Requirements contained in Title 19 Section 19.12.010 of the Monterey County Code.

If recreation land and improvements will be dedicated on site, the applicant shall provide the Parks Department with a recreation plan and cost estimate for the improvements to be made on the dedicated parcels(s).

If the applicant pays a fee in lieu of land dedication, the Parks Department shall determine the fee in accordance with provisions contained in Section 19.12.010(D).

**25. HSG001SP – INCLUSIONARY HOUSING REQUIREMENTS (NON-STANDARD)**

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** The applicant shall comply with Monterey County Inclusionary Housing Ordinance #05175 by entering into an Inclusionary Housing Agreement to either:

1) Developer to construct and sell the following units:

- 1 Inclusionary Unit to a Very Low-income Household;
- 1 Inclusionary Unit to a Low-income Household;
- 2 Inclusionary Units to Moderate-income Households;
- 1 Affordable Unit to a Workforce 1 Income Household; and
- Either constructing and selling a 2nd Affordable Unit to a Workforce 1 Income Household or paying a fractional in-lieu fee of \$120,457.50; or

2) Pay or secure, to the satisfaction of the Housing Program Manager, an in-lieu fee of \$923,507.50 consistent with the adopted Inclusionary Housing Administrative Manual. (HCD-Housing Division)

**Compliance or Monitoring Action to be Performed:** Prior to the recordation of the Final Map, the Owner/Applicant shall comply with the Inclusionary Housing, as specified in the condition language above, by entering into an Inclusionary Housing Agreement with the County of Monterey.

**26. CC01 INDEMNIFICATION AGREEMENT**

**Responsible Department:** County Counsel-Risk Management

**Condition/Mitigation Monitoring Measure:** The property owner agrees as a condition and in consideration of approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. The County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his/her/its obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of property, filing of the final map, recordation of the certificates of compliance whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the County harmless. (County Counsel-Risk Management)

**Compliance or Monitoring Action to be Performed:** Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, recording of the final/parcel map, or recordation of Certificates of Compliance, whichever occurs first and as applicable, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the Office of County Counsel-Risk Management for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the Office of County Counsel-Risk Management

## 27. MM AES-1: LANDSCAPE SCREENING PLAN

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** The owner/applicant shall prepare and submit a landscape plan to enhance screening from State Route 68, River Road, Reservation Road, and the adjacent neighborhood and trail. The landscaping plan shall include, but not be limited to, the following:

- Location, species, and size of plantings, which must be native and drought tolerant;
- Mounding, informal massing, or irregularly spaced trees, and plantings;
- Sufficient native trees and landscaping along the perimeter of the developed area to screen the buildings from State Route 68, River Road, Reservation Road, and the adjacent neighborhood; and
- Irrigation plan.

The landscape plans shall be subject to review and approval by HCD-Planning prior to issuance of building permits. The landscaping shall be installed and inspected prior to occupancy. All landscaped areas and/or fences shall be continuously maintained by the project proponent and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. This requirement will be included in permit conditions. (HCD-Planning)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of building permits, the owner/applicant shall submit a landscape screening plan to HCD-Planning for review and approval.

Prior to occupancy, the landscaping shall be installed and inspected.

On an ongoing basis, all landscaped areas and/or fences shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.

## 28. MM AES-2: FINAL PLAN FOR EXTERIOR COLORS & MATERIALS

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** The owner/applicant shall submit a final plan for colors and materials used for the buildings, which shall be earth-toned to blend with the existing vicinity landscape, subject to the approval of the HCD-Planning, prior to issuance of building permits. (HCD-Planning)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of building permits, the owner/applicant shall submit a final exterior color and material plan to HCD-Planning for review and approval.

## 29. MM AES-3: FINAL IMPROVEMENT PLAN

**Responsible Department:** Public Works

**Condition/Mitigation Monitoring Measure:** The applicant's final improvement plans shall include construction of all new utility and distribution lines on the project site underground. The improvement plans shall be subject to review and approval of Monterey County Public Works prior to issuance of a grading permit. (Public Works and HCD-Planning)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of a grading permit for the project, the owner/applicant shall submit final improvement plans to Public Works for review and approval.

On an ongoing basis, the owner/applicant shall install and maintain utility and distribution lines underground.

### 30. MM AES-4: EXTERIOR LIGHTING PLAN

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The lighting source shall be shielded and recessed into the fixture. Prior to the issuance of building permits, the applicant shall submit an exterior lighting plan as part of the construction plan set. The exterior lighting plan shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations Title 24 Part 6. The exterior lighting plan shall be subject to approval by HCD-Planning prior to issuance of a building permit. (HCD-Planning)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of a building permit, the owner/applicant shall submit an exterior lighting plan to HCD-Planning for review and approval. The approved exterior lighting plan shall be incorporated into the final building plans.

Prior to final and/or occupancy, the owner/applicant/contractor shall submit written and photographic evidence demonstrating that the exterior lighting has been installed according to the approved plan.

On an on-going basis, the owner/applicant shall ensure that the exterior lighting is installed and maintained in accordance with the approved plan.

### 31. MM AQ-1: DUST CONTROL MEASURES

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** Prior to issuance of any grading or building permits, developers of the project site shall prepare a grading plan subject to review and approval by the Monterey County Department of Housing and Community Development (HCD) Chief of Planning. In the event that ground disturbance exceeds 2.2 acres per day for initial site preparation activities that involve extensive earth moving activities (grubbing, excavation, rough grading), and 8.1 acres per day for activities that involve minimal earth moving (e.g. finish grading) exceeding these limits, the required grading plans shall include the following dust control measures:

- a. Water all active construction sites continuously. Frequency should be based on the type of operation, soil, and wind exposure;
  - b. Prohibit all grading activities during periods of high wind (over 15 mph);
  - c. Apply chemical soil stabilizers on inactive construction areas (e.g., disturbed lands within construction projects that are unused for at least four consecutive days);
  - d. Apply non-toxic binders (e.g., latex acrylic co-polymer) to exposed areas after cut and fill operations and hydro-seed area;
  - e. Maintain at least 1'-0" of free-board on haul trucks;
  - f. Cover inactive storage piles;
  - g. Sweep streets if visible soil material is carried out from the construction site;
  - h. Limit the area under construction at any one time.
- (HCD-Planning and HCD-Environmental Services)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of any grading or building permits, the owner/applicant/contractor shall submit a grading plan to HCD-Planning for review and approval. The dust control measures shall be included as notes on the grading plan.

**32. MM AQ-2: DUST CONTROL SITE MONITOR**

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** Prior to commencement of construction activities, the developer and/or contractor shall appoint a construction foreman to act as site monitor to ensure that the dust control measures are implemented. Evidence of implementation shall be submitted in written form to the Monterey County Department of Housing and Community Development (HCD) Chief of Planning within three days of commencement of grading, and monthly thereafter as long as grading occurs. In addition, a publicly-visible sign written in English and Spanish with the telephone number and person to contact regarding dust complaints should be posted and continuously maintained at the project site during grading and construction activities. This person shall respond and take corrective action within 48 hours of receipt of any dust-related complaints. The phone number of the air district shall also be visible to ensure compliance with Rule 402 (nuisance). (HCD-Planning)

**Compliance or Monitoring Action to be Performed:** Prior to commencement of grading and/or construction activities, the owner/applicant/contractor shall submit to HCD-Planning the name of the site monitor.

Within 3 days of commencement of grading and/or construction activities, the owner/applicant/contractor shall submit evidence to HCD-Planning that the dust control measures have been implemented, and that the required sign has been posted and is publicly visible.

Ongoing during grading and/or construction activities, the dust control measures and signage shall be implemented and/or maintained.

### 33. MM AQ-3: REDUCTION OF CONSTRUCTION EXHAUST EMISSIONS

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** Prior to the onset of site preparation, grading and construction activities, the project applicant(s) or developer(s) shall require in construction contracts that all off-road construction vehicles and all construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. The developer shall reduce nitrogen oxides exhaust and particulate matter emissions by implementing the following measures prior to the start of construction:

- Contractors shall install temporary electrical service whenever possible to avoid the need for independently-powered equipment (e.g. compressors);
- Signs at the construction site shall be clearly visible to advise that diesel equipment standing idle for more than two minutes within 200 feet of sensitive receptors shall be turned off. This would include trucks waiting to deliver or receive soil, aggregate, or other bulk materials. Rotating drum concrete trucks may keep their engines running continuously if on-site and staged at least 100 feet away from residential areas;
- Properly tune and maintain equipment for low emissions;
- Stage large diesel powered equipment at least 200 feet from any sensitive land uses (e.g., occupied residences);
- All equipment shall be checked by a certified visible emissions evaluator;
- All non-road diesel construction equipment shall at a minimum meet Tier 3 emission standards listed in the Code of Federal Regulations Title 40, Part 89, Sub part B, §89.112; and
- Whenever feasible, construction equipment shall use alternative fuels such as compressed natural gas, propane, electricity, or bio diesel.

(HCD-Planning)

**Compliance or Monitoring Action to be Performed:** Prior to the onset of site preparation, grading and/or construction activities, the owner/applicant(s) or contractor shall submit evidence demonstrating compliance with Mitigation Measure AQ-3 to HCD-Planning for review and approval.

### 34. MM BIO-1: PRE-CONSTRUCTION SURVEY - BADGER

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** Prior to the start of construction activities, a qualified Monterey County-approved consulting biologist shall conduct pre-construction surveys of the grassland habitat on the site to identify any potential American badger burrows/dens. These surveys shall be conducted no more than 15 days prior to the start of construction. If a potential American badger burrow/den is found during the surveys, coordination with the California Department of Fish & Wildlife (CDFW) shall be undertaken in order to develop a suitable strategy to avoid impacts to American badger. After CDFW review and approval, impacts to active American badger dens shall be avoided by establishing exclusion zones around all active badger dens, within which construction related activities shall be prohibited until denning activities are complete or the den is abandoned. A qualified biologist shall monitor each den once per week in order to track the status of the den and to determine when a den area has been cleared for construction. The project proponent shall be responsible for the implementation of this mitigation measure, subject to monitoring by the Monterey County Department of Housing and Community Development. (HCD-Planning)

**Compliance or Monitoring Action to be Performed:** Prior to the start of construction activities, the owner/applicant shall submit evidence of pre-construction surveys from a qualified Monterey County-approved consulting biologist to HCD-Planning.

If a potential American badger burrow/den is found during the surveys, the owner/applicant shall then submit evidence to HCD-Planning showing coordination with and approval by the CDFW of a strategy to avoid impacts to American badger.

After CDFW review and approval, the avoidance strategies shall be implemented by the owner/applicant, and evidence of such implementation submitted to HCD-Planning.

If avoidance strategies are implemented, then a qualified biologist shall submit evidence of monitoring to HCD-Planning on a weekly basis.



**35. MM BIO-2: PRE-CONSTRUCTION SURVEY - BURROWING OWL**

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** To avoid/minimize impacts to burrowing owls potentially occurring on or adjacent to the project site, the project proponent shall retain a qualified Monterey County-approved consulting biologist to conduct a two-visit (i.e., morning and evening) presence/absence survey at areas of suitable habitat on and adjacent to the project site no less than 14 days prior to the start of construction or ground disturbance activities. Surveys shall be conducted according to methods described in the California Department of Fish & Wildlife (CDFW) Staff Report on Burrowing Owl Mitigation (CDFW 2012). If these pre-construction “take avoidance” surveys performed during the breeding season (February through August) or the non-breeding season (September through January) locate occupied burrows in or near construction areas, consultation with the CDFW shall occur to interpret survey results and develop a project-specific avoidance and minimization approach. The project proponent shall be responsible for the implementation of this mitigation measure, subject to monitoring by the Monterey County Department of Housing and Community Development. (HCD-Planning)

**Compliance or Monitoring Action to be Performed:** No less than 14 days prior to the start of either ground disturbance or construction activities, the owner/applicant shall submit evidence to HCD-Planning of a two-visit pre-construction survey from a qualified Monterey County-approved consulting biologist.

If an occupied burrow is located during the survey, the owner/applicant shall then submit evidence to HCD-Planning showing coordination with and approval by the CDFW of an avoidance and minimization strategy.

After CDFW review and approval, the avoidance and minimization strategy shall be implemented by the owner/applicant, and evidence of such implementation submitted to HCD-Planning.

**36. MM BIO-3: PRE-CONSTRUCTION SURVEY - DUSKY-FOOTED WOODRAT**

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** A qualified Monterey County-approved consulting biologist shall conduct pre-construction surveys for woodrat nests within the development footprint. These surveys shall be conducted no more than 15 days prior to the start of construction. All woodrat middens shall be flagged for avoidance of direct construction impacts where feasible. If impacts cannot be avoided, woodrat middens shall be dismantled no more than three days prior to construction activities starting at each midden location. All vegetation and duff materials shall be removed from three feet around the midden prior to dismantling so that the occupants do not attempt to rebuild. Middens are to be slowly dismantled by hand in order to allow the occupants to disperse. The project proponent shall be responsible for the implementation of this mitigation measure, subject to monitoring by the Monterey County Department of Housing and Community Development. (HCD-Planning)

**Compliance or Monitoring Action to be Performed:** No more than 15 days prior to the start of construction activities, the owner/applicant shall submit evidence to HCD-Planning of a pre-construction survey from a qualified Monterey County-approved consulting biologist.

If an occupied midden is located during the survey, the owner/applicant shall then submit evidence to HCD-Planning demonstrating implementation of the requirements of this mitigation measure.

**37. MM BIO-4: FOCUSED SURVEY - BATS**

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** Prior to tree removal activities, the project proponent shall retain a qualified Monterey County-approved consulting biologist to conduct a focused survey for bats and potential roosting sites in trees to be removed and trees within 250 feet of the development footprint. These surveys shall be conducted no more than 15 days prior to the start of construction. The surveys can be conducted by visual identification and assumptions can be made on what species is present due to observed visual characteristics along with habitat use, or the bats can be identified to the species level with the use of a bat echolocation detector such as an "Anabat" unit.

If no roosting sites or bats are found, a letter report confirming absence shall be sent to the Monterey County Department of Housing and Community Development (HCD) and no further mitigation is required.

If bats or roosting sites are found, a letter report and supplemental documents shall be provided to HCD prior to grading permit issuance and the following monitoring, exclusion, and habitat replacement measures shall be implemented:

a. If bats are found roosting outside of the nursery season (which is May 1 through October 1), they shall be evicted as described under (b) below. If bats are found roosting during the nursery season, they shall be monitored to determine if the roost site is a maternal roost. This could occur by either visual inspection of the roost bat pups, if possible, or by monitoring the roost after the adults leave for the night to listen for bat pups. If the roost is determined to not be a maternal roost, then the bats shall be evicted as described under (b) below. Because bat pups cannot leave the roost until they are mature enough, eviction of a maternal roost cannot occur during the nursery season. Therefore, if a maternal roost is present, a 250-foot buffer zone (or different size if determined in consultation with the California Department of Fish & Wildlife (CDFW)) shall be established around the roosting site within which no construction activities including tree removal shall occur until after the nursery season.

b. If a non-breeding bat hibernaculum is found in a tree or snag scheduled for removal, the individuals will be safely evicted, under the direction of a qualified bat biologist and in consultation with the CDFW. Methods could include carefully opening the roosting area by hand to expose the cavity. Removal of the tree or snag shall be conducted no earlier than the following day (i.e., at least one night will be provided between initial disturbance and the tree removal). This action will allow bats to leave during dark hours, which increases their chance of finding new roosts with a minimum of potential predation.

The project proponent shall be responsible for the implementation of this mitigation measure, subject to monitoring by the HCD. (HCD-Planning)

**Compliance or Monitoring Action to be Performed:** No more than 15 days prior to tree removal activities, the owner/applicant shall submit evidence to HCD-Planning of a focused survey from a qualified Monterey County-approved consulting biologist.

If bats or roosting sites are found, the owner/applicant shall then submit evidence to HCD-Planning demonstrating implementation of the requirements of this mitigation measure.

### 38. MM BIO-5: PRE-CONSTRUCTION SURVEY - NESTING BIRDS

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** To avoid possible impacts to nesting birds on and adjacent to the project site, if noise generation, ground disturbance, vegetation and tree removal, including removal of non-native trees, or other construction activities begin during the nesting bird season (February 1 to September 15), or if construction activities are suspended for at least two weeks and recommence during the nesting bird season, then the project proponent shall retain a qualified Monterey County-approved consulting biologist to conduct a pre-construction survey for nesting birds. The survey shall be performed within suitable nesting habitat areas on and adjacent to the site to ensure that no active nests would be disturbed during project implementation. This survey shall be conducted no more than one week prior to the initiation of disturbance or construction activities.

If no active bird nests are detected during the survey, then project activities can proceed as scheduled. However, if an active bird nest of a native species is detected during the survey, then a plan for bird nest avoidance shall be prepared by the qualified biologist to determine and clearly delineate an appropriately sized, temporary protective buffer area around each active nest, depending on the nesting bird species, existing site conditions, and type of proposed disturbance or construction activities. The protective buffer area around an active bird nest is typically 75-250 feet, determined at the discretion of the qualified biologist.

To ensure that no inadvertent impacts to an active bird nest will occur, no disturbance and/or construction activities shall occur within the protective buffer area(s) until the juvenile birds have fledged (left the nest), and there is no evidence of a second attempt at nesting, as determined by the qualified biologist.

The project proponent shall be responsible for implementation of this mitigation measure with oversight by the Monterey County Resource Management Agency. Compliance with this measure shall be documented and submitted to the county. (HCD-Planning)

**Compliance or Monitoring Action to be Performed:** No more than one week prior to initiation of noise generation, ground disturbance, vegetation and tree removal (including removal of non-native trees), or other construction activities either during the nesting bird season (February 1 to September 15), or if construction activities are suspended for at least two weeks and recommence during the nesting bird season, the owner/applicant shall submit to HCD-Planning a nesting survey prepared by a County-approved consulting biologist to ensure that no active nests would be disturbed during project implementation.

If an active bird nest is located during the survey, the owner/applicant shall then submit evidence to HCD-Planning demonstrating implementation of the requirements of this mitigation measure.

### 39. MM BIO-6: PRE-CONSTRUCTION SURVEY - CTS

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** Prior to the start of construction, a qualified California tiger salamander (CTS) biologist shall conduct a pre-construction survey for CTS. The survey shall include a transect survey over the entire project disturbance footprint (including access and staging areas), and scoping of burrows for CTS occupancy. If CTS are documented on the surface or in burrows, no work can be conducted until the individuals leave the site of their own accord. If no CTS are found, the biologist shall collapse all small mammal burrows onsite within the disturbance footprint. After all burrows have been collapsed, a silt fence shall immediately be installed around the edges of the work area to the existing road. This fencing shall be buried to at least three inches. No equipment or disturbance shall be allowed outside of the silt fence, and fencing shall remain in place until the project is complete. If a California tiger salamander is observed at any time during burrow excavation or construction, all work shall cease, and the applicant shall contact the U.S. Fish & Wildlife Service for guidance before commencing project activities. (HCD-Planning)

**Compliance or Monitoring Action to be Performed:** Prior to the start of construction, the owner/applicant shall submit evidence to HCD-Planning of a pre-construction survey for CTS completed by a qualified CTS biologist.

The owner/applicant shall also submit evidence, prepared by the biologist, to HCD-Planning demonstrating implementation of the requirements of this mitigation measure.

### 40. MM CTRA-1: TRAFFIC IMPACT FEES

**Responsible Department:** Public Works

**Condition/Mitigation Monitoring Measure:** The applicant shall pay applicable Transportation Agency for Monterey County (TAMC) and County of Monterey traffic impact fees. (Public Works)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of grading and/or construction permits, the owner/applicant shall submit payment for the applicable fees to HCD-Building Services.

### 41. MM ENG-1: ENERGY CONSERVATION POLICY CONSISTENCY

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** Prior to approval of building permits for each of the project components, the owner/applicant shall submit a report to HCD-Planning demonstrating how the project is consistent with the energy conservation policies identified in the Las Palmas Ranch Specific Plan. (HCD-Planning)

**Compliance or Monitoring Action to be Performed:** Prior to final of building permits for each of the project components, the owner/applicant shall submit a report to HCD-Planning demonstrating how the project is consistent with the energy conservation policies identified in the Las Palmas Ranch Specific Plan.

## 42. MM TRA-3: EMERGENCY ACCESS IMPROVEMENTS

**Responsible Department:** Public Works

**Condition/Mitigation Monitoring Measure:** Prior to occupancy of the proposed senior assisted living community, the owner/applicant shall install eight-foot turnouts on the entering and exiting lanes of the proposed extension of Woodridge Court between Country Park Road and the first internal parking lot aisle on the project site. Also, prior to occupancy and if required by the local fire district, the owner/applicant shall install grass grid pavers on the section of lawn area between Woodridge Court and Country Park Road to provide an all-weather surface for secondary access. (Public Works)

**Compliance or Monitoring Action to be Performed:** Prior to occupancy, the owner/applicant shall install eight-foot turnouts on the entering and exiting lanes of the proposed extension of Woodridge Court between Country Park Road and the first internal parking lot aisle on the project site.

Prior to occupancy and if required by the local fire district, the owner/applicant shall install grass grid pavers on the section of lawn area between Woodridge Court and Country Park Road to provide an all-weather surface for secondary access.

meets the evaluation criteria set forth in Policy LU-1.19 and would pass the DES. Policy LU-1.19 states:

*“Community Areas, Rural Centers and Affordable Housing Overlay districts are the top priority for development in the unincorporated areas of the County. Outside of those areas, a Development Evaluation System shall be established to provide a systematic, consistent, predictable, and quantitative method for decision-makers to evaluate developments of five or more lots or units and developments of equivalent or greater traffic, water, or wastewater intensity. The system shall be a pass-fail system and shall include a mechanism to quantitatively evaluate development in light of the policies of the General Plan and the implementing regulations, resources and infrastructure, and the overall quality of the development. Evaluation criteria shall include but are not limited to:*

- a) Site Suitability*
- b) Infrastructure*
- c) Resource Management*
- d) Proximity to a City, Community Area, or Rural Center  
Mix/Balance of uses including Affordable Housing consistent with the County Affordable/Workforce Housing Incentive Program adopted pursuant to the Monterey County Housing Element*
- e) Environmental Impacts and Potential Mitigation*
- f) Proximity to multiple modes of transportation*
- g) Jobs-Housing balance within the community and between the community and surrounding areas*
- h) Minimum passing score*

*Residential development shall incorporate the following minimum requirements for developments in Rural Centers prior to the preparation of an Infrastructure and Financing Study, or outside of a Community Area or Rural Center:*

- 1) 35% affordable/Workforce housing (25% inclusionary; 10% Workforce) for projects of five or more units to be considered.*
- 2) If the project is designed with at least 15% farmworker inclusionary housing, the minimum requirement may be reduced to 30% total.*

*This Development Evaluation System shall be established within 12 months of adopting this General Plan.”*

Policy LU-1.19 seeks to direct development to locations designated for development (Community Areas, Rural Centers and Affordable Housing Overlay districts). The subject parcel is designated for Medium Density Residential development which is one of the higher intensity residential land uses within the County. The site is suitable for the development proposed, and the Medium Density Residential zoning district allows single-family residences and other uses of a similar nature and intensity subject to a Use Permit. As noted in

- Finding No. 1, Evidence “b“ above, the proposed development on the site is consistent with the land use and zoning. Also, the proposed use is considered compatible with residential uses.
- b) Infrastructure exists to the project site in the adjacent roadways and has the capacity to support the level of development proposed. No new infrastructure will need to be extended to the site, so the project will not encourage growth on parcels currently lacking utility connections.
  - c) The site is not located in a Community area, Rural Center, or City; however, it is immediately adjacent to the largest of the Las Palmas Ranch residential areas, and is approximately 1.95 miles from the River Road Rural Center (Figure #RC5 of the 2010 General Plan).
  - d) Public services that will be needed by residents of the proposed project are sufficient and located adequately. The project is expected to have less than significant impacts on public services such as police, fire, library, and medical services due to the nature of the project, and the existing services available within a serviceable distance.
  - e) The application, site plans, and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development found in Project File PLN150372, including Board of Supervisors Resolution No. [XX] approving the LPR SP amendment and the Board of Supervisors Resolution No. [XX] certifying the FSEIR and adopting a Statement of Overriding Considerations.

### DECISION

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

1. Approves the Vesting Tentative Map to subdivide a 15.64 acre parcel into 26 residential lots and an open space parcel;
2. Approves a Use Permit to allow development on slopes exceeding 25 percent; and
3. Adopts the Mitigation Monitoring and Reporting Plan.

Said decision is to be in substantial conformance with the attached plan and subject to the attached conditions where are incorporated herein by reference.

**PASSED AND ADOPTED** upon motion of Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_, and carried this [DATE], by the following vote to wit:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:



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 Minute Book \_\_\_\_\_ for the meeting on [DATE].

Date:

File Number:

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

By \_\_\_\_\_  
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

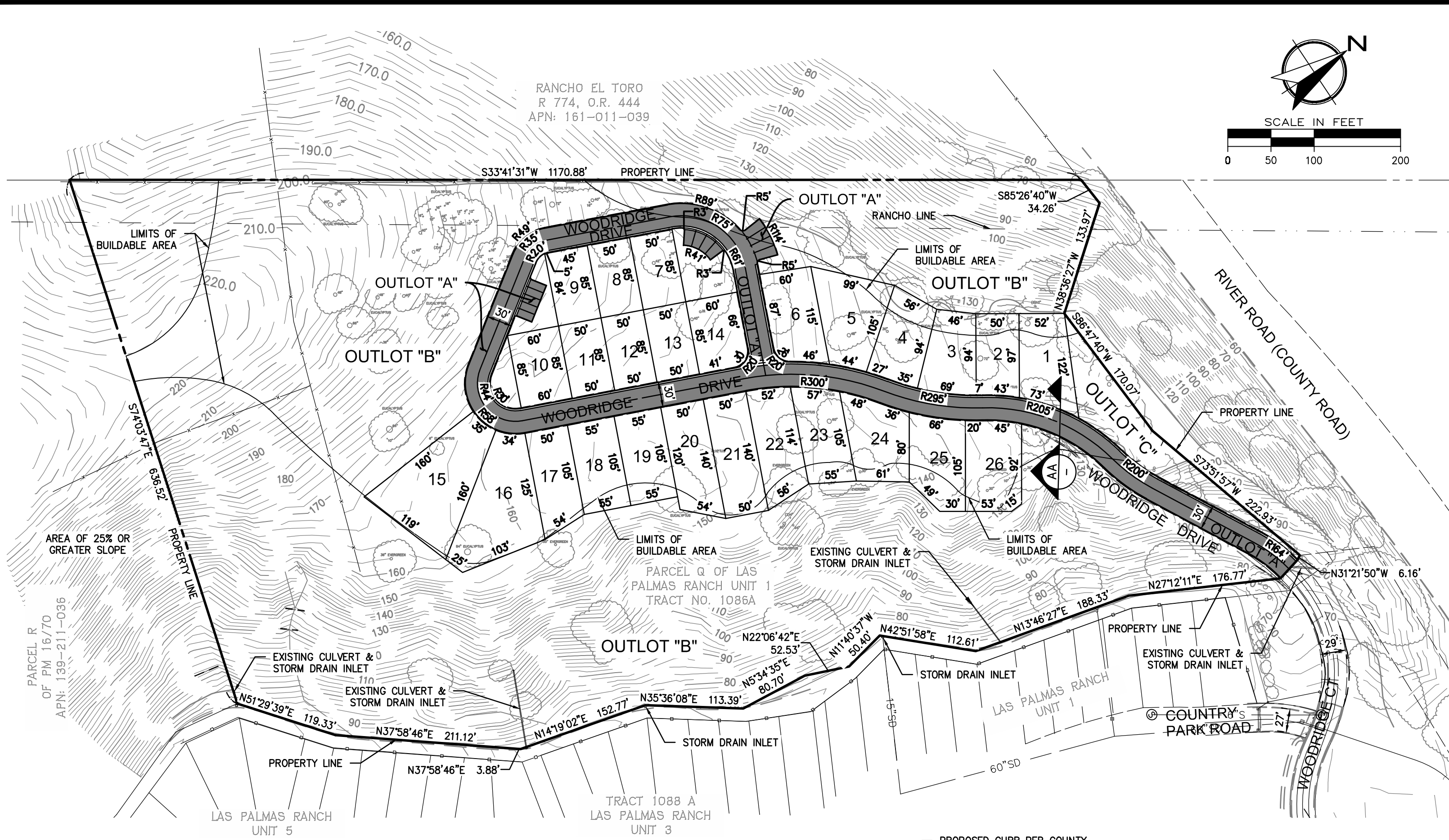
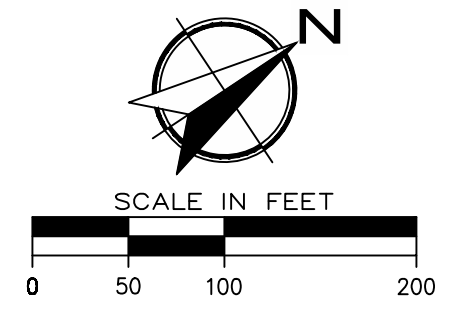
1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

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



- SITE INFORMATION:**
1. SITE ADDRESS: NOT ASSIGNED (PARCEL Q, SALINAS, CA)
  2. APN: 139-211-035
  3. OWNER/SUBDIVIDER: RIVER VIEW AT LAS PALMAS, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY
  4. ENGINEER: DANIEL K. BOND, P.E. 57,133
  5. GENERAL PLAN: RESIDENTIAL - MEDIUM DENSITY 2.61 U/AC
  6. EXISTING ZONING: MDR/2.61 U/A
  7. PROPOSED ZONING: MDR/2.61 U/A
  8. TOTAL SITE AREA: 15.64± AC (GROSS)
  9. ZONE CLASSIFICATION: MDR (MEDIUM DENSITY RESIDENTIAL); CURRENTLY VACANT LAND
  10. PROPOSED TOTAL LOTS: (26) FULLY DEVELOPED LOTS AND (3) OUTLOTS
  11. ALLOWED BUILDING HEIGHT: 30'-0" MEASURED FROM AVERAGE GRADE
  12. PROPOSED BUILDING HEIGHT: 20' MAXIMUM MEASURED FROM AVERAGE GRADE

- NOTES:**
1. WATER BY CALIFORNIA WATER SERVICE
  2. SEWER DISPOSAL BY CALIFORNIA AMERICAN WATER SUPPLY
  3. UNDERGROUND POWER BY PG&E
  4. NATURAL GAS BY PG&E
  5. STORM DRAIN SHALL SURFACE DRAIN AND CONVEYED VIA UNDERGROUND STORM DRAIN COLLECTION SYSTEM TO EXISTING CULVERT..
  6. GRADING AND DRAINAGE PLAN SHALL BE PREPARED PER MONTEREY COUNTY CODE SECTION 19.10.
  7. EROSION CONTROL PLAN SHALL BE PREPARED PER MONTEREY COUNTY CODE SECTION 16.08
  8. GEOLOGIC AND SOILS STUDY PERFORMED BY LANDSET ENGINEERS, INC.
  9. THERE ARE NO EXISTING STRUCTURES ON SITE.
  10. THERE ARE NO EXISTING WATER COURSES ON SITE.
  11. THERE IS ONE EXISTING WATER WELL ON SITE.
  12. THERE ARE ±70 EXISTING EUCALYPTUS TREES ON SITE TO BE REMOVED.

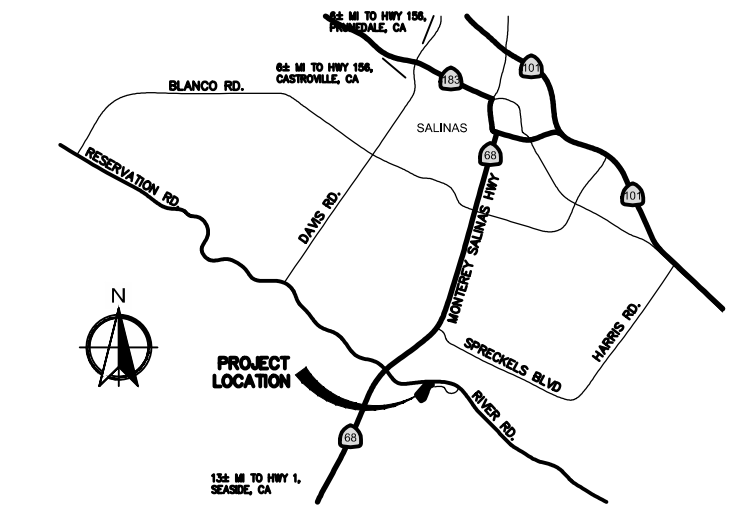
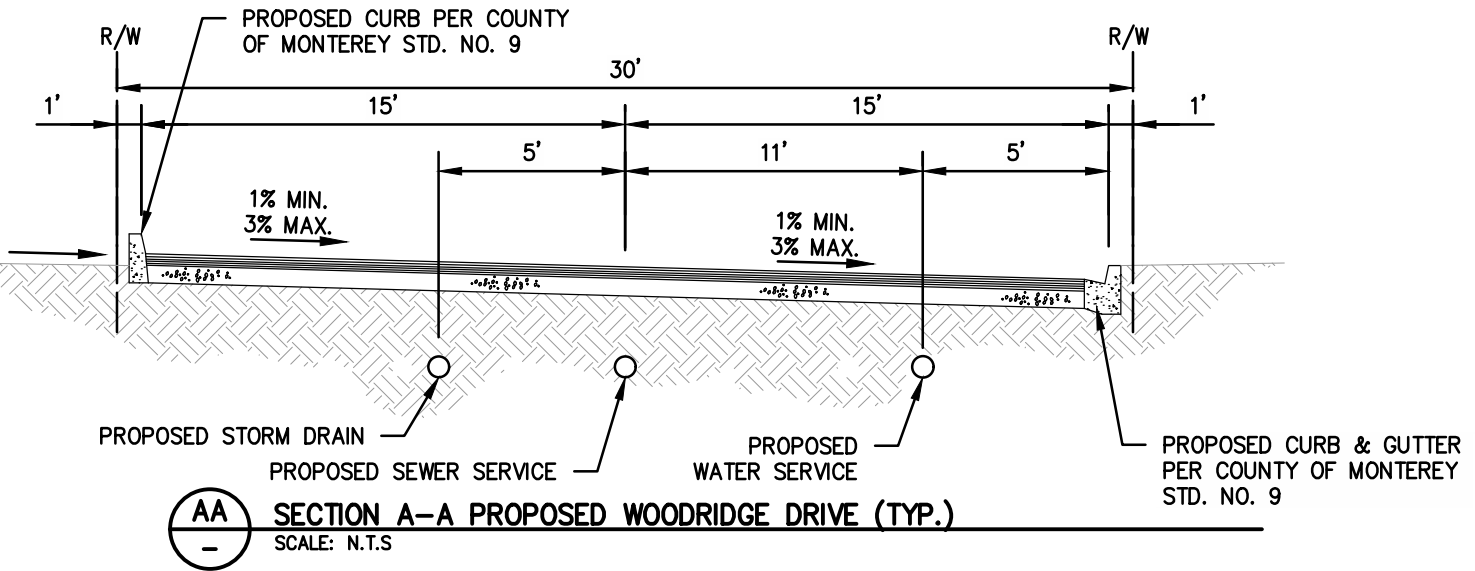
**FLOOD HAZARD NOTE:**  
SUBJECT PROPERTY IS LOCATED IN ZONE X AND IS DESIGNATED AS AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD AS SHOWN ON FEMA MAP NUMBER 06053C0360G, DATED APRIL 02, 2009.

**PARCEL TABLE**

PARCEL #	AREA (SQ. FT.)	PARCEL #	AREA (SQ. FT.)	PARCEL #	AREA (SQ. FT.)	PARCEL #	AREA (SQ. FT.)
1	6365	8	4250	15	11785	22	6578
2	4733	9	4249	16	10977	23	6079
3	5413	10	5100	17	5750	24	6410
4	5817	11	4250	18	5775	25	6445
5	7494	12	4250	19	5775	26	6721
6	6394	13	4250	20	6500		
7	4250	14	5023	21	7034		

**OUTLOT TABLE**

OUTLOT #	AREA (SQ. FT.)
OUTLOT "A"	57703
OUTLOT "B"	456194
OUTLOT "C"	11135



**LEGAL DESCRIPTION:**  
THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA IN COUNTY OF MONTEREY, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:  
PARCEL I:  
PARCEL Q, AS SAID PARCEL IS SHOWN ON THAT CERTAIN MAP ENTITLED "AMENDED MAP OF LAS PALMAS RANCH COREY HOUSE AREA/UNIT 1", FILED JUNE 15, 1989 IN VOLUME 16, OF "CITIES AND TOWNS", AT PAGE 70, IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA.  
EXCEPT THEREFROM ALL UNDERGROUND WATER RIGHTS AS DESCRIBED IN THE DEED TO CALIFORNIA WATER SERVICE COMPANY, A CALIFORNIA CORPORATION RECORDED OCTOBER 25, 1989 IN REEL 2427, PAGE 476, OFFICIAL RECORDS.  
PARCEL II:  
A NON-EXCLUSIVE EASEMENT FOR INGRESS, EGRESS, ROAD AND UTILITIES OVER THAT PORTION OF RIVER RUN ROAD AND WOODRIDGE COURT BEING A PORTION OF COMMON AREA PARCEL C AND LAS PALMAS ROAD BEING COMMON AREA PARCEL A AS SHOWN AND DESIGNATED ON THAT MAP ENTITLED "AMENDED MAP OF LAS PALMAS RANCH COREY HOUSE AREA/UNIT 1 TRACT 1086A" FILED JUNE 15, 1989, IN VOLUME 16, MAPS OF "CITIES AND TOWNS", AT PAGE 70, OFFICIAL RECORDS OF MONTEREY COUNTY, CALIFORNIA. SAID EASEMENT SHALL BE APPURTENANT TO PARCEL Q AS SHOWN AND DESIGNATED ON THE ABOVE REFERRED TO MAP OF TRACT 1086A.  
APN: 139-211-035

**TENTATIVE VESTING TRACT MAP**

IN THE UNINCORPORATED AREA, COUNTY OF MONTEREY, STATE OF CALIFORNIA  
TOWNSHIP 20 SOUTH, RANGE 15 EAST, MOUNT DIABLO BASE AND MERIDIAN,  
SURVEYED AND PLATTED IN JUNE 2023  
FOR  
RIVER VIEW AT LAS PALMAS, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY  
BY  
GATEWAY ENGINEERING, INC.  
SHEET 1 OF 1

K:\GATEWAY PROJECTS\COUNTRY ROADS\19-103 COALINGA DRAWINGS\EXHIBIT 19-103 TENTATIVE PARCEL MAP.DWG-VANG THAO