

Exhibit B

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Draft Resolution

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

RIVER VIEW AT LAS PALMAS LLC (PLN150372)

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:
 - a. Increase the residential unit cap from 1,031 to 1,058; and
 - b. Add a new Policy 12 in Chapter II, Section C, specifying that Parcel Q shall require 25% of new housing units as affordable, 15% of which shall be on-site and available to moderate-income households and the remaining 10% of which shall be provided through payment of an in-lieu fee; and
3. Adopt a resolution to approve a Combined Development Permit, consisting of:
 - a. a Vesting Tentative Map to create 27 residential lots, including four moderate income units, 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 March 13, 2024, 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 27 residential lots and an open space parcel, 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:
 - a. Increase the residential unit cap from 1,031 to 1,058; and
 - b. Add a new Policy 12 in Chapter II, Section C, specifying that Parcel Q shall require 25% of new housing units as affordable, 15% of which shall be on-site and available to moderate-income households and the remaining 10% of which shall be provided through payment of an in-lieu fee; and
3. Adopt a resolution to approve a Combined Development Permit, consisting of:
 - a. Vesting Tentative Map to create 27 residential lots, including four moderate income units, and an open space parcel;
 - b. 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 13th day of March, 2024, upon motion of Commissioner _____, seconded by Commissioner _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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 B1

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. 24 - XX

Resolution by the Monterey County Board of
Supervisors:

1. Certify the River View Final Subsequent Environmental Impact Report (FSEIR) as augmented in 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) examining the River View at Las Palmas Assisted Living Senior Facility Project in compliance with the California Environmental Quality Act (CEQA) guidelines. On March 14, 2024, staff presented the FSEIR, as augmented in September 2023, 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. The FSEIR reflects the County of Monterey's independent judgment and analysis.
EVIDENCE: a) The project (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 27 residential lots, including four moderate income units, and an open space parcel as well as

- development on slopes in excess of 25% to allow subdivision improvements including the installation of 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 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 March 13, 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 and supporting evidence. The EIR also identified unavoidable significant Project impacts to 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 and supporting evidence). 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 its 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 Project's FSEIR .

- 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 approve the project for a senior living facility. On October 12, 2021, the Board voted to return the matter to staff for further analysis of 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, to provide additional residential housing units.
- h) Augmentation to FSEIR. In September 2023, the County of Monterey augmented the FSEIR to update the Project Objectives 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 introducing a new "Alternative 3b" for a Reduced No Project/Existing Zoning. Alternative 3b would include a subdivision of the project site of no more than 30 residential lots and an open space parcel. This is a conservative analysis of full residential buildout if all the required affordable housing units were provided onsite.

- 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 CEQA Guidelines section 15082 of the, the County filed the SEIR Notice of Preparation (NoP) on March 7, 2017. At that time, the County had not received a request for consultation from a Native American tribe. Therefore, no consultation was conducted relative to Tribal Cultural Resources. Additionally, the project site is 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) County of Monterey 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 in 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 Project would have no impact on the following categories, fully detailed in the FSEIR: 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 on Cultural Resources. Monterey County GIS indicates that the project site has a low archaeological sensitivity. Additionally, the subdivision's 1983 EIR 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 on 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 CO₂e (carbon dioxide equivalent) during construction and 1,005 MT/year of CO₂e during operation, while Alternative 3b would generate approximately 560 MT/year of CO₂e during construction and 569 MT/year of CO₂e during operation. Both the proposed project and Alternative 3b's GHG emissions would be less than significant. No mitigation measures are required.
- e) Surface Hydrology. As fully detailed in the FSEIR, the Project would have a less than significant impact on Surface Hydrology. The Project is 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 would not impact surface and groundwater water quality from storm water runoff. The Project will introduce new impervious surfaces on an undeveloped site. A preliminary storm water control plan for the Project was found to conform with storm drainage facility design standards and NPDES requirements would be implemented ensuring that there will be no impacts related to localized flooding. The Project has been conditioned accordingly.
- f) Noise. As fully detailed in the FSEIR, the Project will have a less than significant impact on Noise levels. 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 are subject to County of Monterey noise standards.
- g) Wastewater. As fully detailed in the FSEIR, the Project will have a less than significant impact on 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 the 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, Project wastewater service is within of California American Water Company’s capacity.

- h) Water Supply. The proposed project will have an estimated water demand of 11.376 AFY. The maximum 30 residences that may be constructed under Alternative 3b are 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 will result in a less-than-significant impact to water supply, and impacts will be lesser than the originally 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 County of Monterey 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 will 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 into the conditions of project approval. Changes or alterations have been required in, or incorporated into, the Alternative 3b that 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 to Aesthetics, Air Quality, Biological Resources, and Energy that require mitigation as to all components of the project. Alternative 3b will have reduced impacts compared to the originally proposed senior assisted living facility; however, unavoidable impacts will 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 such conditions of approval.

- b) Aesthetics. Alternative 3b will impact scenic vistas and the visual character of the site and 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 will be potentially significant but will 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 will be less than the originally proposed project. The total area of the residential subdivision under this alternative will be approximately 160,000 square feet, 30,000 square feet less than the originally proposed project. Additionally, the scale and massing of up to 30 single-family residences (up to 20 feet in height) will 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 originally proposed project. Alternative 3b will introduce less light and glare to the project site compared to the originally 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) will 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 will be similar to surrounding residential development. The single-family residences will be more visually consistent with the existing residences in the project vicinity and will not conflict with the Las Palmas Ranch Specific Plan Design Guidelines. Impacts to aesthetics under Alternative 3b will be reduced compared to the originally proposed senior assisted living facility, as development will be substantially reduced in scale. Mitigation Measures AES-1, AES-2, AES-3, and AES-4 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. Although reduced from the originally proposed project, Alternative 3b will have air quality-related impacts from emissions during construction. These impacts would be potentially significant but will 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).
- d) Biological Resources. The proposed project will 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 will 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 Project will also have a less-than-significant impact on impeding the movement of common wildlife. 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 determined that the 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 have generated approximately 362 daily trips (26 for assisted living and memory care center and 96 for senior adult housing units). As revised, the Project will 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 is expected to generate trips at a similar rate to existing residences near the project site. Up to 30 lots facilitated by Alternative 3b are 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 originally proposed project. The addition of these trips to area roadways is expected to result in imperceptible increases in delay on area roadways, and no change in level of service from existing conditions. Alternative 3b will have a less significant impact on traffic to area intersections and roadways segments of River Road, as opposed to the originally proposed senior assisted living facility. As previously mentioned in Finding 1, Evidence "I", 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 in 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 additional mitigation infeasible.

- EVIDENCE:**
- a) Traffic – Project Level Impact. Section 17.0 of the augmented FSEIR discusses significant and unavoidable impacts to Transportation that could result from the originally 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 explained in Finding 3, Evidence “F”, Alternative 3b will reduce traffic by 98 trips per day, or 27 percent fewer trips compared to the originally proposed project. However, the Project will still result in a significant and unavoidable impact by adding additional traffic to SR 68. Therefore, as SR 68 continues to operate at LOS F during peak hours, Alternative 3b will also result in significant and unavoidable impacts to the level of service of SR 68.
 - b) Traffic – Cumulative Level Impact. The DSEIR explained that SR 68 is projected to operate at LOS F and under cumulative plus project conditions, the DSEIR concluded that the originally 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 is still required to pay regional traffic impact fees to partially mitigate its impacts by funding 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 in 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. As

opposed to Alternative 2, Alternative 3a would 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 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 in 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 of the whole record before the Monterey County Board of Supervisors, the Board has balanced, as applicable, the economic, legal, social, technological, or other benefits of the Project against its unavoidable, significant impacts and adopts a Statement of Overriding Considerations finding 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 in September 2023, the 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 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:
 - On October 12, 2021, the Board of Supervisors considered the previous project scope for a senior assisted living facility. It was the Boards decision to return the matter back to staff for further analysis of modified project scope that provides a greater public benefit through establishing more housing.
 - Provide housing in an area of limited new home construction that needs residential units due to a housing shortage. Housing production in Monterey County has not kept up with its needs. According to the County's 2022 Annual Progress Report (APR), 2,034 building permits for housing units were

issued in the County during the 5th Cycle Housing Element. Of this total, 226 were very low-income, 249 were low-income, 35 were moderate income, and 1,526 were above moderate-income, representing 60%, 101%, 12%, and 234% of the County's 5th Cycle Regional Housing Needs Allocation (RHNA). The project will provide four moderate-income units onsite, which is the income level with the lowest percentage of housing provided.

- Four onsite moderate income housing units and payment of an in-lieu fee of \$401,525 to support other affordable housing projects in the County. This would provide \$1,081,925 to subsidize affordable housing both onsite and in the County. In Monterey County, median home prices for ownership residences increased 93% and median rent has increased by 65% between 2014 and 2022 (according to Zillow home price data), while median household income (reported by the U.S. Census Bureau) only increased 31% during the same period. According to the Comprehensive Housing Affordability Strategy (CHAS) 2015-2019 American Community Survey (ACS) data provided by AMBAG August 2022, 15% of households in the Unincorporated County spend 50% or more of their income on rent.
- Affordable by design housing units. The average lot size of the residential parcels is 5,729 square feet and the maximum site coverage in the Medium Density Residential Zoning district is 35%. Except for the 1,500 square foot moderate income-housing units, the average size home, inclusive of an attached garage, would be just over 2,000 square feet due to the 20 foot height limit. Using a construction cost of \$275/per square foot and 20% land cost, the average lot would be affordable by design (approximately \$660,000).
- By subdividing and developing the lots with single family dwellings, the property value of the River View property would go up and the County would benefit from the associated increased property tax.
- The increase of residents due to the increased housing units would contribute to an increase of local spending.
- The Project is consistent with the existing neighborhood character of the Las Palmas subdivisions and received support from multiple residents of the area. During the October 23, 2023 Toro Land Use Advisory Committee meeting, members of the public expressed that they were either in favor of the Project, as opposed to their objection to the senior care facility. Staff receive a letter from Christine Kemp, dated April 27, 2022, on behalf of the Las Palmas Ranch Master Association No. 1 stating that the association

finds that the Project is a preferred alternative to the senior living facility.

- The Project will create economic benefits to the County and the economy through the creation of jobs for construction (temporary).
- The Project will permanently preserve over 10 acres of land as conservation-oriented open space on the project site. This area will be reserved for native landscaping and will not be available for development other than a small park to satisfy the Quimby Act requirement.
- As required by Mitigation Measure CTRA-1, the applicants will pay applicable Transportation Agency for Monterey County (TAMC) and County of Monterey traffic impact fees. These fees will go towards road maintenance and repair to help compensate for the added traffic to Highway 68. As required by 2010 General Plan Policy C-1.8, the project has also been conditioned requiring the applicant pay a County-wide traffic fee. These fees will address impacts on the County's circulation system.
- Approval allows development of the last undeveloped portion of Las Palmas Ranch identified for development in the LPRSP, the 2010 General Plan, 2010 Toro Area Plan. LPR SP Chapter II, Section C, Policy 11 states that a Development Incentive Zone of ten acres shall be provided within the areas designated in the specific plan for medium density residential development. The property is Medium Density Residential, 2.61 units per acre, with a Design Control overlay. The project will result in a density of 1.8 units/acre which is well below the allowance. This reduced density allows the residential lots to be clustered on a plateau resulting in providing approximately 12 acres of rolling hills protected as open space.

- 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 in 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 significant new information has been added to the augmentation to the Final SEIR that would require recirculation. 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 draft EIR 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 Draft SEIR, meets those criteria.
- b) All the text revisions to the Draft SEIR 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 Draft SEIR, the County finds that the changes do not trigger recirculation of the Draft SEIR.
- c) In the augmentation to the SEIR, 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 so 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 Draft SEIR. (See Finding No. 7 and supporting evidence)

- e) See also Finding Nos. 1, 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 County of Monterey 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 County of Monterey 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 Augmentation to the Final SEIR based on the findings and evidence.
2. Adopts the CEQA Findings for Project approval, and the Statement of Overriding Considerations; and
3. Adopts the Mitigation Monitoring and Reporting Plan.

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

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.

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

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~~ 1,058 residential units in accordance with Figure D and Figure E. Parcel Q at Las Palmas Ranch is designated for Medium Density Residential use, as illustrated in Figure E, and based on subsequent Policy 11, has an allowed density of 10 units per acre. However, zoning for Parcel Q is Medium Density Residential with a density of 2.61 units per acre. 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 27 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 27 residential lots for development and increase the total amount of residential units from 1,031 to 1,058. 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. In order to achieve vertical consistency with the 2010 General Plan (Land Use Policy LU-2.13) and Monterey County Code Chapter 18.40 - Inclusionary Housing Ordinance of the County of Monterey, the proposed amendment includes new Policy 12 of Section C (Housing & Residential Land Use) of Chapter II of the Las Palmas Ranch Specific Plan to read as follows:

Development of Parcel Q shall require 25% of new housing units be provided as affordable. At least 15% shall be provided onsite to moderate-income levels. The remaining 10% shall be provided through payment of an in-lieu fee.
10. 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).
11. 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.
12. A public hearing on the River View as Las Palmas Facility project, including an LPRSP amendment, was noticed at the Planning Commission for March 13, 2024. 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.

13. On March 13, 2024, 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 27 residential lots, four of which are designated for moderate income units, 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.
14. 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 and the Las Palmas Specific Plan.
 - 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 27 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 27 residential units, identify Parcel Q on the land use map and delineate Parcel Q as a developable parcel, respectively.
- j. The amendment to the text of the policies of the Las Palmas Ranch Specific Plan would facilitate vertical consistency with the 2010 General Plan (Land Use Plan Policy LU-2.13), the specific plan, and Monterey County Code Chapter 18.40.

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

Policy 5 of Section C (Housing & Residential Land Use) of Chapter II

The Specific Plan allows a maximum of 1,058 residential units in accordance with Figure D and Figure E. Parcel Q at Las Palmas Ranch is designated for Medium Density Residential use, as illustrated in Figure E, and based on subsequent Policy 11, has an allowed density of 10 units per acre. However, zoning for Parcel Q is Medium Density Residential with a density of 2.61 units per acre. 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 27 residential units consistent with the Board of Supervisors Resolution [XX].

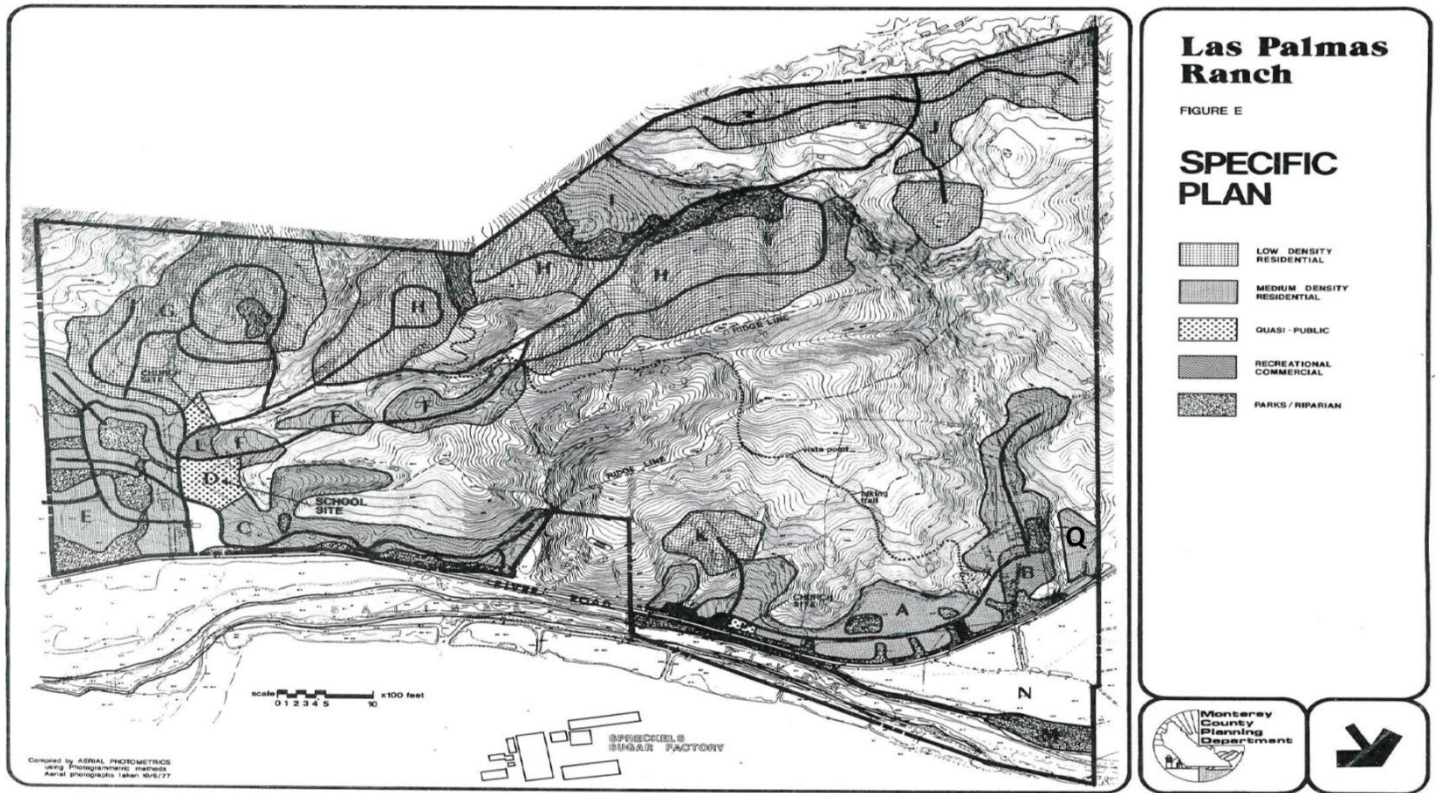
New Policy 12 of Section C (Housing & Residential Land Use) of Chapter II

Development of Parcel Q shall require 25% of new housing units be provided as affordable. At least 15% shall be provided onsite to moderate-income levels. The remaining 10% shall be provided through payment of an in-lieu fee.

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	6	104	3.00
B	-	-	-			6	N/A
C	131	0	131	School/Church Sites	15	62	2.11
D	-	-	-			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>27</u>	<u>27</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	484 <u>511</u>	1031 <u>1058</u>			1579 <u>1593.64</u>	.65 AV <u>.66 AV</u>

LAS PALMAS RANCH SPECIFIC PLAN AMENDMENT FIGURE "E"



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 27 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 April 16, 2024. The permit was granted subject to 46 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 identified as "Outlot 'B' and Outlot 'C' in the Vesting Tentative Map", where scenic resources exist. 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 April 16, 2027, 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. 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.

17. 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.

18. 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.

19. 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.

20. 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.

21. 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.

22. 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.

23. 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).

24. HSG001SP – INCLUSIONARY HOUSING REQUIREMENTS (NON-STANDARD)

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Prior to the recordation of the Final Map, the applicant shall comply with the County's Inclusionary Housing Ordinance #05175 by either: 1) entering an Inclusionary Housing Agreement – Developer to construct and sell 4 affordable units to moderate-income households and pay an in-lieu fee of \$401,525.00 consistent with the adopted Inclusionary Housing Administrative Manual.

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.

25. 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

26. 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.

27. 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.

28. 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.

29. 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.

30. 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.

31. 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.

32. 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.

33. 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.

34. 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.

35. 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.

36. 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.

37. 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.

38. 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.

39. 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.

40. 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.

41. 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.

42. EHSP01 – DESIGN WATER SYSTEM IMPROVEMENTS (Non-Standard) The water system improvements proposed with thi

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: The water system improvements proposed with this application shall meet the California Waterworks Standards (Title 22 of the California Code of Regulations) and relevant sections of Title 17 of the California Code of Regulations pertaining to cross-connection control.

Compliance or Monitoring Action to be Performed: Prior to recordation of the final map or execution of a Subdivision Improvement Agreement the applicant shall submit engineered water system improvement plans to the State Water Resources Control Board – Division of Drinking Water (SWRCB-DDW) and Cal-Am for review and acceptance. Submit to the EHB a copy of the approved plans and documentation confirming that the plans are acceptable to SWRCB-DDW and Cal-Am.

43. EHSP02 - FIRE FLOW STANDARDS (Non-Standard)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Design the water system improvements to meet fire flow standards as required and approved by the local fire protection agency.

Compliance or Monitoring Action to be Performed: Prior to recordation of the final map, execution of a Subdivision Improvement Agreement, or issuance of construction permit, the applicant shall submit plans for the proposed water system improvements to the local fire protection agency for review and acceptance.

Submit a set of signed or wet-stamped water system plans approved by the local fire protection agency to EHB for review and acceptance.

44. EHSP03 – INSTALL OR BOND WATER SYSTEM IMPROVEMENTS (Non-Standard)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Pursuant to Monterey County Code, Chapter 19.13, Improvement Agreements, the owner shall install the water system improvements to and within the subdivision and any appurtenances needed.

OR

The owner shall enter into a Subdivision Improvement Agreement with the County that shall provide security guaranteeing the installation of the water system improvements.

Compliance or Monitoring Action to be Performed: Prior to filing the final map, the applicant shall:
- Install the water system improvements to and within the subdivision and any appurtenances needed and obtain approval of installation from the entity that will take ownership of the sewer system infrastructure.

OR

Execute a Subdivision Improvement Agreement that is acceptable to EHB. Record the Subdivision Improvement Agreement with the final map.

45. EHSP04 - INSTALL/BOND SEWER SYSTEM IMPROVEMENTS

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: The developer shall install the sewer system improvements to and within the subdivision and any appurtenances needed per Monterey County Code Chapter 19.13 Improvement Agreements.

OR

The developer shall enter into a Subdivision Improvement Agreement with the County that shall provide security guaranteeing the installation of the sewer system improvements per Monterey County Code Chapter 19.13 Improvement Agreements.

Compliance or Monitoring Action to be Performed: Prior to filing the final map, install the sewer system improvements to and within the subdivision and any appurtenances needed and obtain approval of installation from Cal Am. Submit evidence of approval to Environmental Health.

OR

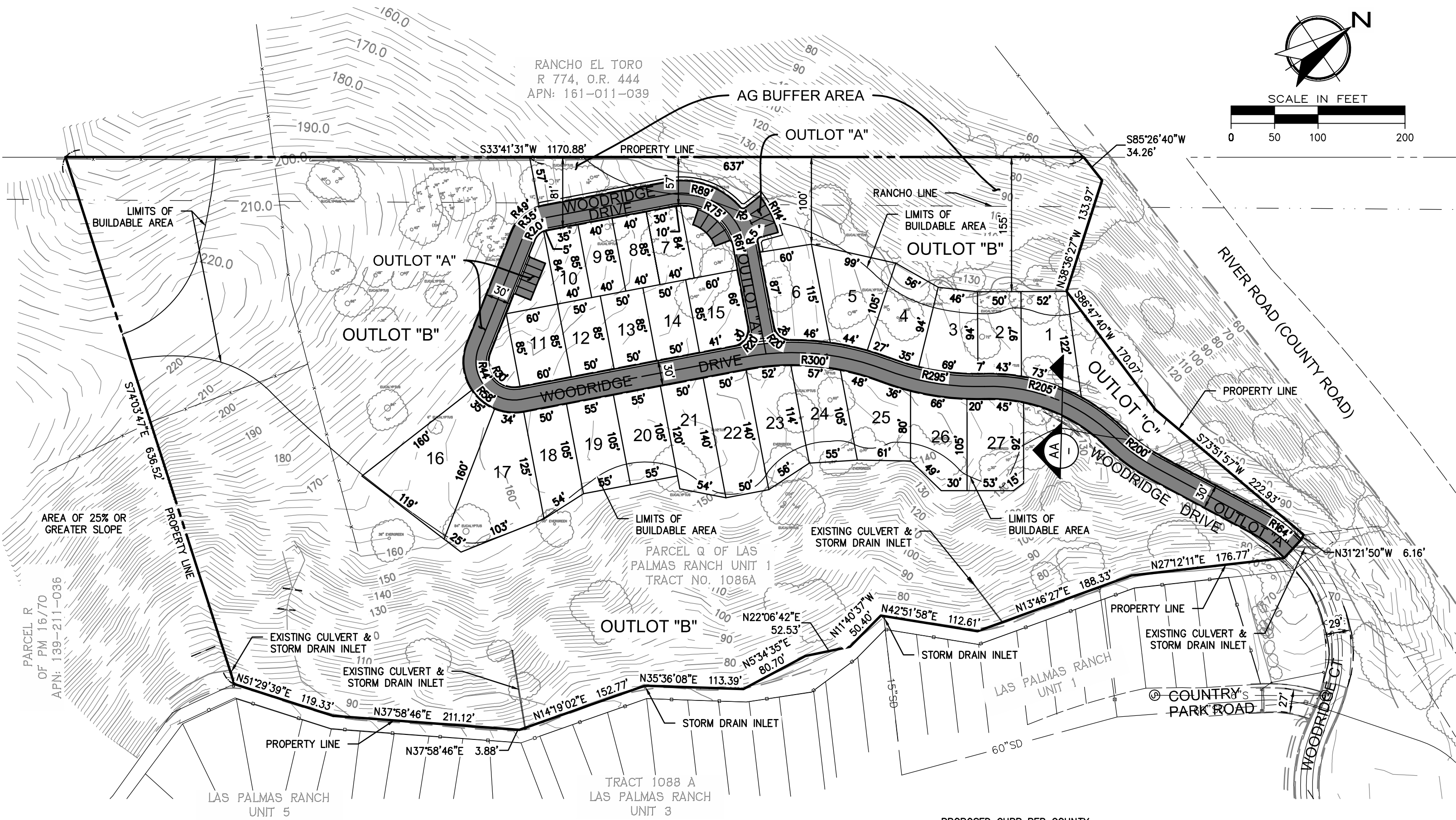
Provide Environmental Health Bureau with a draft of the Subdivision Improvement Agreement for review and approval. Record the Subdivision Improvement Agreement with the final map.

46. EHSP05 - SEWER SYSTEM IMPROVEMENT DESIGN

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Engineered plans for the sewer system including all necessary redundancies shall be submitted to and approved by Cal Am. Plans shall be in conformance with Monterey County Code, Chapter 19.13 and the California Plumbing Code, Title 24 part 5 of the California Code of Regulations.

Compliance or Monitoring Action to be Performed: Prior to filing the final map, submit plans to Environmental Health Bureau with written verification from Cal Am that plans have been reviewed and approved.



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: (27) 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.

LEGEND

- PROPOSED A.C. PAVEMENT
- GEOLOGIC BUILDING ENVELOPE
- EXISTING PROPERTY BOUNDARY
- EXISTING EASEMENT
- PROPOSED PARCEL LINE

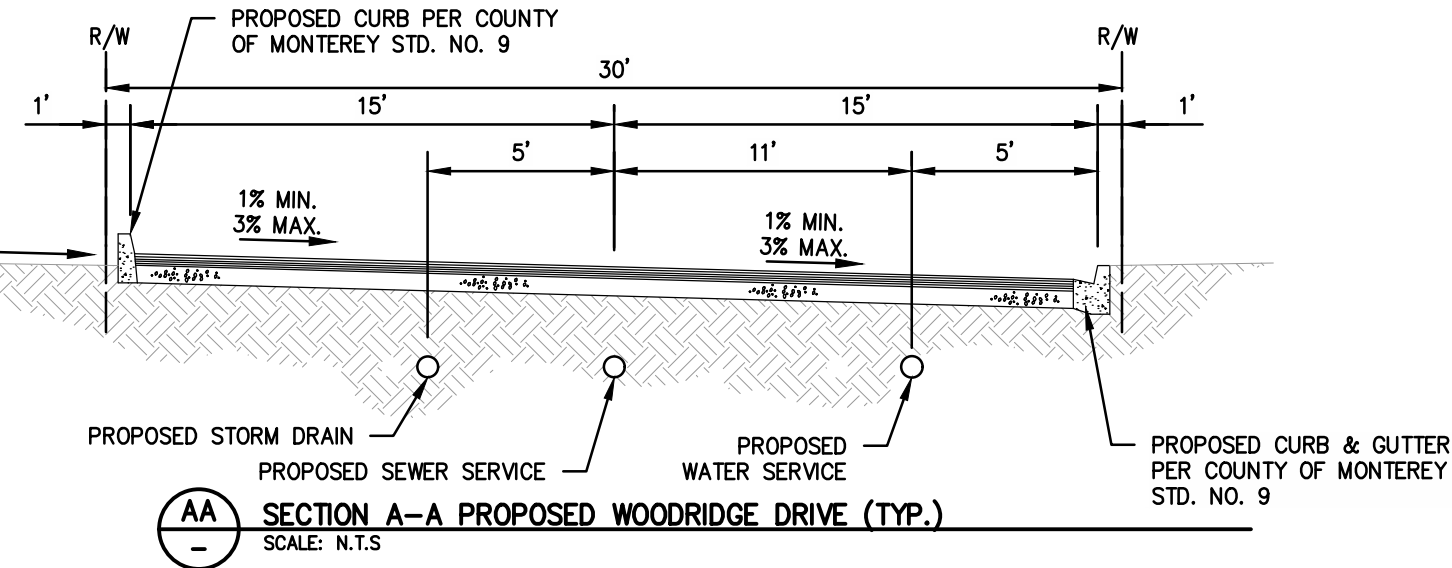
PARCEL TABLE	
PARCEL #	AREA (SQ. FT.)
1	6365
2	4733
3	5413
4	5817
5	7494
6	6394
7	3397

PARCEL #	AREA (SQ. FT.)
8	3400
9	3400
10	3399
11	5100
12	4250
13	4250
14	4250

PARCEL #	AREA (SQ. FT.)
15	5023
16	11785
17	10977
18	5750
19	5775
20	5775
21	6500

PARCEL #	AREA (SQ. FT.)
22	7034
23	6578
24	6079
25	6410
26	6445
27	6721

OUTLOT TABLE	
OUTLOT #	AREA (SQ. FT.)
OUTLOT "A"	56856
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:

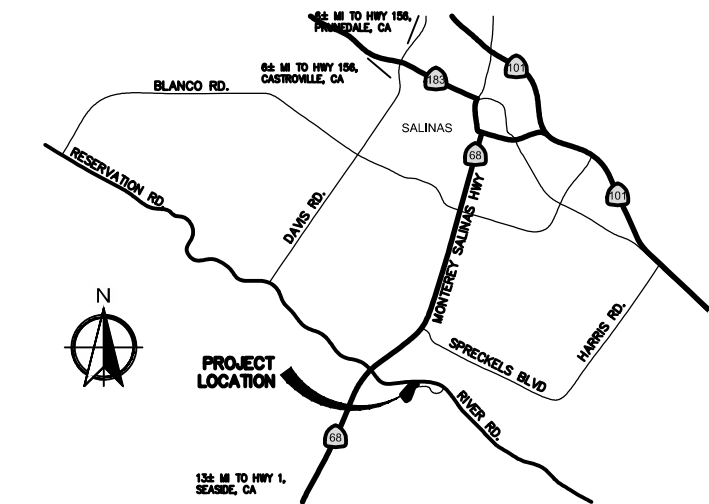
PARCEL Q, AS SAID PARCEL IS SHOWN ON THAT CERTAIN MAP ENTITLED "AMENDED MAP OF LAS PALMAS RANCH COREY HOUSE AREA/UNIT 1", FILED JUNE 15, 1989 IN VOLUME 16, OF "CITIES AND TOWNS", AT PAGE 70, IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA.

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



VICINITY MAP

SCALE: 1" = 2000'

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

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. a Vesting Tentative Map to create 27 residential
lots, including four moderate income units, and an
open space parcel;
2. a Use Permit to allow development on slopes in
excess of 25% for subdivision improvements; and
3. Adopt a 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 (LPRSP), 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 (Project) involves a Combined Development Permit consisting of a Vesting Tentative Map for the subdivision of a 15.64 lot into 27 residential lots, four of which will be designated for moderate income units, 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 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 and replaced them with landscaping designed to both enhance residents' living environment and screen views of the project from neighboring properties and State Route 68 (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 LPRSP 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 affordable housing options. On September 2, 2022, the applicant modified the project scope to an up to 30 lot residential subdivision in response to the Board's direction to provide a project that better aligned with the existing residential subdivisions within Las Palmas. As discussed in Finding 4 and supporting evidence, the subdivision has been further reduced to 27 residential lots, four of which will be designated for moderate income units, to comply with the request of the Las Palmas Homeowner's Association to create no more than 28 residential lots.
- 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 as proposed is consistent with the text, policies, and regulations in the applicable documents above.

- d) General Plan Consistency. The project has been reviewed for consistency with applicable policies of the 2010 General Plan. Based on the following, the project is found to be consistent. The County specifically finds that:
- In accordance with General Plan Policies LU-1.7, LU-8.2, OS-1.5, and OS-1.8, the residential lots have been clustered in the flattest area of the site which is most suitable for development. Appropriate infrastructure to support the

- development exists, utilities will be extended to serve the residential lots and a new roadway will be provided.
- General Plan Policy LU-1.9 prioritizes infill of vacant non-agricultural lands in existing developed areas and shall be compatible with surrounding land uses and development. As demonstrated in subsequent Evidence “f”, the subject property is part of the Las Palmas residential development and is designated for Medium Density Residential use.
 - In accordance with General Plan Policy LU-1.13, the project has been conditioned requiring submittal of an exterior lighting plan to ensure street lights are 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.
 - General Plan Policy LU-1.20 requires that residential development be limited to area build-out as specified in the land use/density designations as mapped in the area plans and adopted as part of this General Plan. As demonstrated in subsequent Evidence “e”, the project is within the allowed density as specific in the Toro Land Use Plan map.
 - In accordance with General Plan Policy LU-2.5, the project provides adequate circulation and rights-of-way. See subsequent Evidence “f” and Finding No. 8, Evidence “T”.
 - In accordance with General Plan Policies LU-2.7, LU-8.5 and OS-5.11, open space is provided on the fringes of the residential lots. See subsequent Evidence “f”; Finding No. 5, Evidence “c”; and Finding 8, Evidence “n”.
 - General Plan Policy LU-2.13 requires the County assure consistent application of an Affordable Housing Ordinance that requires 25% of new housing units be affordable to very low, low, moderate, and workforce income households. As demonstrated in Finding No. 4 and supporting evidence, the project meets the County’s inclusionary housing requirement. As specified in Finding No. 4, Evidence “e”, the project includes an LPRSP amendment to achieve vertical consistency with Policy LU-2.13, the LPR SP, and Monterey County Code Chapter 18.40 - Inclusionary Housing Ordinance of the County of Monterey.
 - In accordance with 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.
 - 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.

- In accordance with General Plan Policies C-1.1, C-1.2, C-1.8, C-1.9, and C-1.11, the project has been conditioned requiring the applicant to pay County-wide and regional traffic fees which will be used to fund circulation improvement project.
- In accordance with General Plan Policies C-5.4 and OS-1.12, the project has been designed, mitigated and conditioned to reduce impacts of scenic views from SR 68.
- As demonstrated in Finding No. 9 and supporting evidence, the project is consistent with General Plan Policy OS-3.5.
- In accordance with General Plan Policy OS-5.6, native oak trees will be used to fulfill the project's landscape requirements.
- As demonstrated in Finding No. 2, Evidence "b" and "c", conclusions contained in the geologic report prepared for the project support project consistency with General Plan Policies S-11, S-1.3, S-1.6, S-1.7, and S-1.8.
- As demonstrated in subsequent Evidence "f" and Finding No. 3, Evidence "d", the project as proposed and conditioned is consistent with 2010 General Plan drainage policies S-3.1, S-3.2, S-3.3 and S-3.9.
- As demonstrated in subsequent Evidence "f" and Finding No. 10 and supporting evidence, the project as proposed and conditioned is consistent with 2010 General Plan fire hazard policies S-4.8, S-4.9, S-4.13, S-4.14, S-4.27.

e) Toro Area Plan Consistency. The project has been reviewed for consistency with applicable policies of the Toro Area Plan (TAP). Based on the following, the project is found to be consistent. 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 includes the subdivision of a 15.64 acre parcel to create 27 residential parcels and 1 open space parcel, resulting in a density of 1.8 units per acre, consistent with the allowed land use and density of the TAP.
- TAP Policy T-1.5 requires subdivisions be designed so that new lots have building sites located outside of the critical viewshed. As demonstrated in subsequent Evidence "f", Finding No. 5 and supporting evidence, the project is consistent with this policy as well as Policies T-3.1, T-3.2, T-3.4, T-3.5 and T-3.6.
- In accordance with TAP Policy T-2.5 the project has been conditioned to require contribution of their fair-share payment to expedite funding and construction of Highway 68 improvements.
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- f) LPRSP Consistency. The project has been reviewed for consistency with applicable policies of the Las Palmas Ranch Specific Plan. Based on the following, the project is found to be consistent. The County specifically finds that:
- LPRSP Figure E designates the subject property as “Medium Density Residential”. LPR SP Chapter II, Section C, Policy 11 states that a Development Incentive Zone of ten acres shall be provided within the areas designated in the specific plan for medium density residential development. The project includes the subdivision of a 15.64 acre parcel to create 27 residential parcels and 1 open space parcel, resulting in a density of 1.8 units per acre. The project is consistent with the land use designation, the allowed density of the specific plan and all other housing and residential land use policies in LPRSP, Chapter II, Section C, except for Policy 5. Creation of 27 new residential units is in exceedance of the total residential units allowed in the plan area. This inconsistency is addressed in an amendment to LPRSP (see subsequent Evidence “g”) processed concurrently with this Vesting Tentative Map and Use Permit.
 - The project is consistent with the applicable circulation policies in LPRSP, Chapter II, Section E. Consistent with Policy 1, the Quimby act condition (Condition No. 23) requires access any onsite parks or recreational areas. There are no commercial or education areas proposed with the project. In compliance with Policy 3, each unit will have a driveway and space for off-street parking. Thirteen additional off-street parking spaces are proposed throughout the subdivision. Consistent with Policies 4 and 5, the proposed roadway is suitable for emergency vehicle access and there are no areas of the roadway that exceed a 15% grade. Consistent with Policy 6, the roadway will be privately owned and maintained by a Homeowners Association. Consistent with Policy 7, the internal circulation system will continue to operate at a Level of Service “C” or better. The River View traffic study evaluated 8 trips per day per unit and estimated the internal circulation system for Las Palmas will continue to operate at a Level of Service “A”. The proposed roadway has been designed per Policies 8, 9 and 10, and to be consistent with the existing Las Palmas subdivisions. The site is not located perpendicular to a viewing area, nor would it require excessive cut and fill. Ground disturbance has been minimized to the maximum extent to retain rural character and reduce potential visual impacts. Policy 11 is not applicable at this time as street signs are not currently proposed. Consistent with Policies 14 and 15, the project proposes intra-subdivision traffic as opposed to an additional connection directly to River Road. Consistent with Policies 16 and 17, the project has been conditioned

(Condition No. 39) to pay applicable traffic impact fees as mitigation for impacts to Highway 68. The amount shall be calculated using the current cost index, consistent with Policy 18.

- As demonstrated in Finding No. 5 and supporting evidence, the project is consistent with the applicable conservation and open space policies in LPRSP, Chapter II, Section F. Consistent with Policies 1, 2 and 3, the development has been designed and clustered to minimize visual impacts to visually sensitive areas. Consistent with Policies 4, 5, and 6, approximately two thirds of the existing parcel will be placed into a conservation and scenic easement and designated as Open Space. Policies 7 and 8 are addressed under the circulation policies above. Consistent with Policies 9 and 10, vegetative screening and natural landscaping will be utilized over 50 feet away from River Road. The project has been condition (Condition No. 14) to apply Design District Overlay to the final Zoning of the subdivided parcels to ensure consistency with Policy 11. All building materials and finished shall be reviewed prior to the approval of the future single family dwellings. Consistent with Policy 12, an erosion control plan was submitted and analyzed under the FSEIR. The Quimby act condition (Condition No. 23) will ensure consistency with Policy 13.
- The project is consistent with the applicable energy conservation policies in LPRSP, Chapter II, Section G. Although construction of residences is not part of the subdivision, compliance with Building Code regulations related to energy will be required and enforced as part of the construction permit process.
- The project is consistent with the applicable design and sensitivity policies in LPRSP, Chapter II, Section I. Policies 1, 3, 4, 7 and 8 are addressed above under the applicable conservation and open space policies. Policies 6 and 9 are addressed above under circulation policies. Policy 5 is addressed through the County's Exterior Lighting Criteria, which is applicable to every project within the inland County planning areas. Consistent with Policy 2, the project is conditioned requiring formation of a Homeowners Association, or joining the Las Palmas Ranch Master Association No. 1. Consistent with Policy 11, there is no development proposed on slopes over 30%.
- The project is consistent with the applicable erosion, drainage and flood control policies in LPRSP, Chapter II, Section J. Consistent with Policy 1, a Conceptual Stormwater Control Plan (Gateway Engineering 2017) was developed for the project as part of the preliminary design to address stormwater management for the project site in conformance with County and State regulatory requirements. Consistent

with Policy 3 and 4, the proposed project design includes storm drainage facilities (collection, conveyance, and disposal) as detailed in the stormwater control plan (Gateway Engineering 2017) to meet the generation of stormwater runoff. The project has been conditioned to submit a Storm Water Control Plan (Condition No. 16) prior to the issuance of grading or building permits. Staff will review the plan for compliance with Policies 2, 5, 6 and 7. Consistent with Policy 8, a Geologic Hazards Report and Soil Engineering Feasibility Investigation was prepared for the project (Landset Geotechnical Report) and addresses slope stability of the project area.

- The project is consistent with the applicable public facilities and services policies in LPRSP, Chapter II, Section K. Consistent with Water Policy 1, the River View subdivision will be served by a public utility water company. The applicants obtained a can and will serve letter from California Water Service. Consistent with Water Policy 2, the applicant demonstrated the ability for a public utility water company to provide the subdivision with potable water (see Finding No. 3, Evidence “b”). The Environmental Health Bureau has conditioned the project to be consistent with Water Policy 3 regarding domestic and fire flow water supply, Condition No. 42 and 43. Consistent with Wastewater Policies 1, 2, 3, 4 and 8 the River View subdivision will utilize the existing Las Palmas Wastewater Treatment Plant, operated by California American Water Company (CalAM). The applicants provided a can and will serve letter from CalAM. The Environmental Health Bureau has conditioned the project to be consistent with Wastewater Policies 5, 6 and 10 (Condition Nos. 45 and 46). Consistent with the Fire Protection policy, the project has been reviewed and approved by the Monterey County Regional Fire Protection District.

- g) LPRSP Residential Build Out Maximum. LPRSP Chapter II, Section C - Housing & Residential Land Use, Policy 5 limits the maximum number of residential units within the specific plan area to 1,031 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 project includes an amendment to the LPRSP (see Board of Supervisors Resolution **XX**) which modifies the policy language to increase the residential units to 1,058 resulting in project consistency with the LPRSP. The proposed amendment to the LPRSP 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.

- h) 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 LPRSP 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.
- i) 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.
- j) 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. The design of the subdivision is consistent with applicable policies of the 2010 General Plan, Toro Area Plan and the LPRSP as well as the regulations contained in Title 19 and Title 21. See Finding Nos. 5, 8, 9, 10 ,11 and supporting evidence.
- k) 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 structures and therefore a Design Approval is not required. The Project does include the removal of approximately 70 eucalyptus trees, 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, TAP, LPRSP.
- l) Tree Removal. As proposed, the project includes removal of approximately 70 non-native eucalyptus trees. These trees would be replaced with native oak trees and landscaping designed to both

enhance residents' living environment and screen views of the project from neighboring properties and SR 68. Pursuant to MCC section 21.64.260, eucalyptus trees are not identified as a protected species and a permit is not 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 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.

- m) 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.
- n) 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.
- o) 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.
- p) 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 Owner's 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).
- q) 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.

- r) Affordable Housing. As demonstrated in Finding No. 4 and supporting evidence, the project complies with the County’s Inclusionary Housing Ordinance.
- s) 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, two 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 nine members of the public were either in favor of the Project, as opposed to their objection to the senior care facility, had questions regarding road access, if homes would be rentals, or if the CCRs of the HOA would apply to the Project. One LUAC member brought up the prohibition of development on slopes in excess of 25% and another member found that the Project was a great improvement to the previous plan for the assisted living facility. The LUAC supported the project 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 LPRSP 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 “u” below and Finding 2, Evidence “d”, the project would not result in a significant traffic impact within the subdivision. In response to the LUAC’s recommendations, the Project has been conditioned requiring a rezone to add a 20 foot height limit and B-6 overly, conveyance of a conservation scenic easement over areas outside of the approved development and as demonstrated in Evidence “f” above, the project is consistent with the LPRSP. Also see Evidence “t” below regarding the April 2022 Kemp letter.

- t) 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 March 13, 2024 Planning Commission 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.
- u) 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.
- v) 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 LPRSP 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 March 13, 2024 and their recommendation to the Board of Supervisors is found in Resolution No. [XX].
- w) 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.

- x) 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, 2021County 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 with a flat plateau where the residential lot are sited. 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) estimates 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 LPRSP 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 No. 8, Evidence “g” and “h” and Finding No. 11 and supporting evidence.

- c) Wastewater. The LPRSP 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 storm drain 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 No. 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. As demonstrated in Finding 1, Evidence “b”, the applicant requests to subdivide the property into 27 residential lots and an open space

parcel which would be developed with 27 single-family residences. Therefore, the Project is subject to the Inclusionary Housing Ordinance.

- b) Development of On-site Inclusionary Housing Units. The applicant proposes to dedicate four moderate income units onsite as part of the 27 total residential units. These four units make up approximately 15% of the total base units proposed. General Plan Policy LU-2.13 requires 25% of new housing units be affordable with 6% of the units affordable to very low-income households, 6% of the units affordable to low-income households, 8% of the units affordable to moderate-income households and 5% of the units affordable Workforce I income households.
- c) In-lieu Fee Amount. An in lieu fee of \$401,525.00 will be paid to make up for the other 10% (2.5 units) of the required 25% affordable units requirement. This combination of onsite affordable units and an in lieu fee is proposed due to the economic infeasibility of developing affordable units consistent with the Inclusionary Housing ordinance and General Plan Policy LU-2.13. The in-lieu fee amount, \$401,525.00 or \$160,610 per unit, is based off the County's Inclusionary Housing Administrative Manual adopted in 2011 under Resolution No. 11-117.
- d) Modification of Income Distribution. MCC section 18.40.050.B.2 states development as to which the applicant demonstrates during consideration of a first approval that as a result of unusual or unforeseen circumstances, it would not be appropriate to apply, or would be appropriate to modify, the requirements of this Chapter, provided that the Appropriate Authority who makes the determination to approve or disapprove an exemption or modification makes written findings, based on substantial evidence, supporting that determination. In this particular case, there is evidence to support modifying the distribution type within the subdivision. Due to land and construction costs in the area, and percentage of income allotted to housing by income type, the proposed amount of subsidy would increase by approximately 60% (from \$1,081,925 to \$1,734,968) in order to provide the necessary housing types based on distribution. The annual maximum percent of income allocated to housing also presents a hardship for home buyers in this case. In order to qualify for very-low income, a household of 4 cannot earn more than 50% of the median income, or \$50,200 a year. Of that amount, only 30% of the household income (\$15,060) can be allocated to housing. After payment of utilities, HOA fees, insurance and property taxes, very-low income families would only have \$5,100 per year (or \$425/month) available to pay their mortgage. A low-income household of 4 cannot earn more than 70%, or \$70,280 annually and after other housing expenses, those households would only have \$10,185 per year, or \$848/month available to pay their mortgage. In the LPR SP area, other housing expenses make up more than 50% the income allocation, leaving less of their income to go towards equity and housing upgrades that

would improve their quality of living. In order to qualify for moderate income, a household of 4 cannot earn more than 100% of the median income, or \$110,440 a year. Of that amount, 35% of the household income (\$38,650) can be allocated to housing. After payment of utilities, HOA fees, insurance and property taxes, moderate income households would have \$25,000 per year (or \$2,083/month) available to pay their mortgage. Based on these numbers, the disparity between very low/low-income housing allocation and moderate income allocation is drastic, which is an unusual circumstance in this case.

- e) LPR SP Amendment. The project includes an amendment to the LPR SP to add new Policy 12 in Chapter II, Section C, specifying that Parcel Q shall require 25% of new housing units as affordable, 15% of which shall be on-site and available to moderate-income households and the remaining 10% shall be provided through payment of an in-lieu fee. Adoption of this amendment provides vertical consistency with the 2010 General Plan (Land Use Policy LU-2.13), the LPR SP, and Monterey County Code Chapter 18.40 - Inclusionary Housing Ordinance of the County of Monterey.
- f) 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 LPRSP area. Consistent with LPR SP Chapter II, Section F, Policy 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 Chapter II, Section F, Policy 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 27 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. Views within the adjacent residential subdivision are obstructed by existing single-family residences and existing topography. 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 March 13, 2024, 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 Finding Nos. 1 through 12 and supporting evidence, the Project as designed and conditioned is consistent with the 2010 Monterey County General Plan, Toro Area Plan, LPRSP 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 3,400 square feet and 11,785 square feet, with an average lot size of 5,729 square feet. MCC section 21.12.060.A states that the minimum building site which may be created for Medium Density Residentially zoned lots shall be 6,000 square feet, unless otherwise approved as part of a condominium, planned unit development or similar clustered residential subdivision. Since the proposed subdivision is a planned unit development, the applicants qualify for a reduction in lot size. 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 and the LPRSP. 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.

- 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. To maintain consistency with the existing Las Palmas Subdivisions, River View will be designed as a Planned Unit Development which are not required to have an average lot width of 60 feet and a minimum lot depth of 85 feet. The lots have been designed to be consistent with the lots within the existing Las Palmas subdivisions which have widths less than 60 feet.
- d) Site Suitability. The site is suitable for the proposed project including the type and density of the development (see Finding No. 2 and supporting evidence).
- e) Environment. As demonstrated in Finding No. 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 No. 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 Finding Nos. 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 No. 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 Owner's 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 "q", 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 March 13, 2024 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. As conditioned, the project has been determined to be in accordance with provisions contained in Title 19 section 19.12.010 - Quimby Act requirements, which requires 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. 23 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 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. LPR SP Chapter II, Section F – Conservation and Open Space, Policy 4 states that open space areas shall be placed in scenic easements or adequately protected from development that could destroy the natural amenities of the site. Policy 6 requires a proportionate amount of open space be provided with each increment of housing. 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 Nos. 5, 9 and preceding Evidence “b”, the residential lots have been clustered allowing open space parcels to surround the subdivision. The project has been conditioned requiring a conservation and scenic easement be conveyed over the open space parcels, which is approximately 12 acres or 77% of Parcel Q.
- 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.

- 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. LPR SP Chapter II, Section I – Design and Sensitivity, Policy 11 prohibits development on slopes over 30% except where necessary for construction of limited portions of roads or where necessary to maximize goals, objective and policies of the LPR SP and Monterey County General Plan. 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, to avoid the slopes, would create 2 dead end roadways within the subdivision which would potentially conflict with access requirements of the applicable Fire Code (see Finding No. 10 and supporting evidence). Emergency vehicles need adequate space to turn around in the event of an emergency. Parking areas are provided along the roadway which would provide space for emergency vehicles to turn around. In addition, the roadway includes a loop that would allow an emergency vehicle to exit the site without having to turn around. 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) The Geologic Hazards Report and Soil Engineering Feasibility Investigation (LIB150359) prepared for the development of the site, indicates a small portion of the project area contains undocumented manmade fill (soils) and trash fill. Although vertical development 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 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:

Approves a Combined Development Permit consisting of:

1. a Vesting Tentative Map to create 27 residential lots, including four moderate income units, and an open space parcel;
2. a Use Permit to allow development on slopes in excess of 25% for subdivision improvements;
3. Adopt a 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