

Exhibit B

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

In the matter of the application of:

UCP EAST GARRISON, LLC (PLN030204-AMD2)

RESOLUTION NO. 24-XXX

Resolution by the Monterey County Planning
Commission making recommendation to Board of
Supervisors to:

- 1) Consider an Addendum, together with the Final Subsequent Environmental Impact Report for the East Garrison Specific Plan (SCH#2003081086) pursuant to CEQA Guidelines Section 15164;
- 2) Adopt a resolution amending the East Garrison Specific Plan, including Appendix A – East Garrison Pattern Book (Resolution No. 05-266);
- 3) Approve a Vesting Tentative Map for the East Garrison Final Phase to allow the re-subdivision of 20.25 acres consisting of Phase 1 Final Map Parcels T1.1 – T1.8, Phase 2 Final Map Parcels M2.10 and M2.11, and Phase 3 Final Map Parcels M3.1 – M3.6, resulting in 140 single family residential parcels, 119 Live/Work parcels, two Town Center Parcels, approximately 2.85 acres in Open Space parcels, and approximately 3.35 acres in right of way parcels;
- 4) Amend the Combined Development Permit (Board of Supervisor's Resolution 05-267) to allow the redistribution of allowed development resulting in the East Garrison Final Phase consisting of: a mixed-use Town Center building with 30,000 square feet of commercial space on the first floor and 66 Affordable Artspace apartment units above, 61 Residential Medium units, 79 Residential High units, and 119 Live/Work Rowhouses;
- 5) Adopt a Mitigation Monitoring and Reporting Plan; and
- 6) Consent to the First Amendment to the Amended and Restated First Implementation Agreement between the Successor Agency to the Redevelopment Agency of the County of Monterey amending the Disposition and Development Agreement.

[PLN030204-AMD2, UCP East Garrison, located
UCP EAST GARRISON, LLC (PLN030204-AMD2)]

south of the intersection of Reservation Road and East Garrison Drive, Marina, Fort Ord Master Plan, East Garrison Specific Plan area, APNs: 031-302-057-000 through 031-302-059-000, 031-164-028-000 through 031-164-076-000, 031-164-116-000 through 031-164-121-000, 031-164-123-000, 031-164-126-000, 031-164-128-000, 031-169-036-000, 031-169-053-000, 031-169-054-000, 031-301-014-000, 031-301-015-000, and 031-302-057-000 through 031-302-059-000.]

The UCP East Garrison, LLC application (PLN030204-AMD2) came on for public hearing before the Monterey County Planning Commission on April 10, 2024. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:

FINDINGS

- 1. FINDING:** **PROJECT DESCRIPTION AND PROCESS** – The East Garrison Specific Plan Amendment, Combined Development Permit Amendment, and Vesting Tentative Map (“Project”), as described below, has been processed in accordance with state and local requirements.
- EVIDENCE:**
- a) **Background:** The East Garrison Specific Plan Project (“Previously Approved Project”) included: 1) amendments to the 1982 Monterey County General Plan (Policies 26.1.9 and A-1); 2) amendments to Monterey County Code Title 21 (Section 21.08.060); 3) adoption of the East Garrison Specific Plan; 4) Combined Development Permit¹; 5) adoption of a Mitigation Monitoring and Reporting Plan; 6) allocation of 470 acre-feet per year (“afy”) of water from the County’s 560 afy water allotment (also referred to as “FORA water allocation”) for the former Fort Ord; and, 7) approval of a Development Agreement between the County of Monterey and East Garrison Partners I, LLC. The Approved Project allowed the development of up to 1,400 residential units (consisting of 780 single-family detached units, 227 townhouses, 280 condominium/loft/apartment units, and 113 live/work units) plus up to 70 Carriage Units (dependent on water availability), up to 75,000 square feet (“sf”) of commercial space, and 11,000 sf of institutional uses. The Approved Project also included up to 100,000 sf of artist studio space in 25 renovated historical buildings and approximately 50 acres of open space, parks, and natural areas.
 - b) **Board of Supervisor’s Approvals:** The Board of Supervisors found the Previously Approved Project, as conditioned and mitigated, consistent with the applicable plans and policies. On October 4, 2005, the Board of Supervisors made the following actions:
 - Adopted Resolution No. 05-264 certifying the Final Subsequent Environmental Impact Report (“FSEIR”),

¹ The Combined Development Permit consisted of a Vesting Tentative Subdivision Map for the subdivision of the 244-acre

- including project-specific mitigation measures, a Statement of Overriding Considerations, and adopting a Mitigation Monitoring and Reporting Plan;
 - Adopted Resolution No. 05-265 amending 1982 General Plan Policies 26.1.9 and A-1;
 - Adopted Resolution No. 05-266 approving and adopting the East Garrison Specific Plan (“EGSP”);
 - Adopted Ordinance No. 05000 amending Title 21 Zoning Ordinance and Sectional District Map 21-12 to establish a Specific Plan or “SP” zoning district and regulations, and apply the SP zoning to the East Garrison Specific Plan area;
 - Adopted Resolution No. 05-267 approving the East Garrison Combined Development Permit, as described in preceding Evidence “a”;
 - Adopted Resolution No. 05-268 allocating 470 acre-feet per year of potable water, from the FORA allocation of water to the County), to serve the Previously Approved Project;
 - Adopted Ordinance No. 05001 approving a Development Agreement between the County and East Garrison Partners I, LLC.
- c) Project Location: The Project site is located on the south side of Reservation Road approximately 4.5 miles east of Highway 1, in the East Garrison Community in the County of Monterey, approximately two miles east of the City of Marina and 5.5 miles southwest of the City of Salinas. Access is provided via Reservation Road, Inter-Garrison Road, and the eastern portion of Watkins Gate Road. The site is entirely within the boundaries of the EGSP consists of Assessor Parcel Numbers (“APNs”): 031-302-057-000 through 031-302-059-000, 031-164-028-000 through 031-164-076-000, 031-164-116-000 through 031-164-121-000, 031-164-123-000, 031-164-126-000, 031-164-128-000, 031-169-036-000, 031-169-053-000, 031-169-054-000, 031-301-014-000, 031-301-015-000, and 031-302-057-000 through 031-302-059-000.
- d) Project Description: The Project (PLN030204-AMD2) amends the adopted EGSP, Combined Development Permit, and Successor Agency Agreement(s). It also includes a Vesting Tentative Map to facilitate construction of up to 325 total residential units, consisting of 259 residential for-sale units (consisting of 140 market rate single-family units and 119 live/work “Rowhouses” of which 33 will be affordable to moderate-income households, 70 affordable to Workforce II households, and 16 will be sold at market rate) and 66 affordable apartments, as well as up to 30,000 sf of commercial/retail uses (including a community courtyard), a one-acre Town Center Park, and a 4,000 sf library/sheriff’s office. Century Communities (“Project Applicant”) has revised the Final Phase of development consisting of an approximately 20.25-acre area, including the Town Center development and portions of Phases 2 and 3 that were not developed as part of the Previously Approved Project.

The Project revises the unit types developed as part of the Final Phase and reduces the overall number of residential units to be developed as part of the EGSP, as amended. The modification allows up to 1,384 residential units and up to 70 Carriage Units, compared to 1,400 residential units and up to 70 Carriage Units under the Previously Approved Project. The Previously Approved Project included 442 total residential units for Phase 3 – however, only 192 residential units were developed as part of Phase 3. As a result, the Project Applicant proposes to include the remaining approved residential units (less the 16 unit reduction identified above) from Phase 3, (and one unit from Phases 1 and 2.). In addition, the Project also reduces the maximum extent of commercial space developed as part of the EGSP by 45,000 sf, as amended.

2. FINDING: **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.

EVIDENCE: a) During the course of review of this application, the Project was reviewed for consistency with the text, policies, and regulations in the:

- 1982 Monterey County General Plan
- Fort Ord Master Plan;
- East Garrison Specific Plan;
- 2019 Airport Land Use Compatibility Plan for the Marina Municipal Airport (ALUCP);
- Monterey County Water Resources Agency Ordinance No. 3932;
- Monterey County Zoning Ordinance (Title 21);
- Subdivision Ordinance (Title 19 (non-coastal); and
- Monterey County Inclusionary Housing Ordinance (Chapter 18.40 of Title 18).

The County found the Previously Approved Project, which included amendments to the 1982 General Plan, consistent with the 1982 General Plan. Specifically, the County concluded that “[t]he amendments to the Monterey County General Plan ...ensure the Specific Plan and the Combined Development Permit are consistent with the General Plan”. As part of that action, the County also found that development at the residential densities proposed in connection with the Previously Approved Project consistent with applicable General Plan designation and zoning of the site and would be consistent with the densities contemplated in the EGSP. In addition, the County found the Previously Approved Project consistent with the plans and regulations listed above (Resolution No. 05-267).

b) 1982 General Plan Consistency. The Previously Approved Project anticipated future development of the Project site with commercial, residential, and other related uses, which was found consistent with the 1982 General Plan, as amended. The Project reduces the amount of development associated with implementation of the EGSP, as modified. The number of overall residential units are reduced by 16 units and the maximum amount of commercial space is reduced by 45,000 sf. The reduction of anticipated development at buildout of the

EGSP will not result in any potential conflicts with the 1982 General Plan. The Project includes amendments to the EGSP to ensure the modifications are consistent with the EGSP. The proposed commercial, residential, and community uses included in the Project are consistent with those previously considered as part of the Previously Approved Project, although the specific unit type and configuration has been modified to account for a more refined site design and layout. These modifications ensure that the EGSP includes a cohesive town center with surrounding commercial, residential, and open spaces uses consistent with the intent of the Previously Approved Project. For these reasons, the Project is consistent with the 1982 General Plan.

- c) East Garrison Specific Plan Consistency: The Project, as described in Finding 1, Evidence “d” and Evidence “b” above, reduces the maximum residential units and commercial space under full buildout of the EGSP compared to the Previously Approved Project. As demonstrated in Finding 3 and supporting evidence, the amendments to the EGSP eliminates any potential inconsistencies between the adopted EGSP and the Project. The Project, as conditioned and mitigated, is consistent with the overall intent and purposes of the EGSP to create a compact, pedestrian friendly planned mixed-use development.
- d) 2019 Airport Land Use Compatibility Plan for Marina Municipal Airport: The Project was reviewed and found consistent with the 2019 Airport Land Use Compatibility Plan for Marina Municipal Airport (ALUCP). The Airport Land Use Commission (ALUC) found the Previously Approved Project consistent with the then current 1982 Marina Municipal Airport Comprehensive Land Use Plan and in accordance with recommended Condition of Approval No. 151, three aviation easements over portions of the EGSP area were accepted and recorded addressing potential flight hazards. On March 25, 2024, the ALUC held a duly noticed public hearing and found potential future residential uses associated with the Project compatible with the ALUCP. A condition of approval requiring notes regarding Limited Public Assembly and Notice of Airport in Vicinity be placed on the Final Map were recommended (see ALUC Resolution No. 24-002) and have been incorporated as Condition No. 86 for the Project.
- e) Subdivision: As demonstrated in Finding 8 and supporting evidence, the Vesting Tentative Map is consistent with the Subdivision Map Act (SMA) and County of Monterey Subdivision Ordinance. None of the findings for denial under SMA section 66474 can be made.
- f) Inclusionary Housing: As demonstrated in Finding 9 and supporting evidence, the Project is consistent with the County of Monterey Inclusionary Housing Ordinance.
- g) Disposition and Development Agreement: As demonstrated in find 10 and supporting evidence, the Project has been reviewed and found to meet the goals and objectives of the Development and Disposition Agreement (DDA). To ensure the Project is implemented consistent with the DDA, three Conditions of Approval are recommended and incorporated as conditions of approval for the Project. Conditions of

Approval Nos. 87 and 88 requiring amendment to implementing agreements related to Moderate-Income and Workforce II housing, respectively. Condition No. 89 establishes timing for the developer to prepare and submit a leasing, operation and management plan for the commercial Town Center.

- h) Historic Resources: The EGSP Final Subsequent EIR identified significant and unavoidable impacts related to the demolition of 11 National Register of Historic Places (“NRHP”) eligible buildings and the irreversible alteration of the East Garrison National Register Historic District. While the EGSP Subsequent EIR identified Mitigation Measures 4.8-1-A through 4.8-1-J to mitigate impacts to the extent feasible, these impacts remained significant and unavoidable (Resolution No. 05-267). The Project will not impact historic resources as the demolition of historic structures already occurred during prior development phases. As a result, the Project would not directly impact historic resources and Mitigation Measures 4.8-1-A through 4.8-1-J would not apply. Impacts to historic resources would remain unchanged with implementation of the Project.
- i) Lot Legality: The County recognizes the subject parcels as legal lots of record. Final maps for the EGSP have been filed in the County of Monterey Recorder’s Office (Phase 1 is filed at Volume 24 of Cities and Towns Page 7; Phase 2 is filed at Volume 24 of Cities and Towns Page 41; and Phase 3 is filed at Volume 24 of Cities and Towns Page 54).
- j) The application, plans, and related support materials submitted by the project applicant to the Monterey County HCD - Planning for the proposed development found in Project Files PLN030204, PLN030204-AMD1 and PLN030204-AMD2.

3. FINDING:

SPECIFIC PLAN AMENDMENT – Processing of the amendment to the East Garrison Specific Plan (EGSP) was in accordance with the procedures set forth in Government Code Section 65453. In accordance with Government Code Section 65454, the amendment to the East Garrison Specific Plan is found consistent with the 1982 General Plan and Monterey County Code (MCC), Chapter 21.41, Regulations for Specific Plan Zoning Districts or "SP" Districts. Pursuant to EGSP Section 6.3, Amendments to the Specific Plan, the Planning Commission recommends the Board of Supervisors find the EGSP amendment: 1) consistent with the goals, objectives, policies and programs of the General Plan, and is necessary and desirable to implement the provisions of the General Plan; 2) includes uses compatible with adjacent uses and properties; 3) will not adversely affect the public health, safety or welfare; and 4) will not create internal inconsistencies in the Specific Plan.

EVIDENCE:

- a) General Plan Consistency: The County found the Previously Approved Project consistent with the 1982 General Plan, as amended. The Project would not result in any new incompatible land uses or increases in development that would be inconsistent with the 1982 General Plan or the EGSP. The EGSP identified minimum and maximum square footage thresholds for development of commercial

space and total unit count based on economic projections at the time of approval. The Town Center component of the Previously Approved Project was designed with a flexible zoning overlay in order to respond to changes in market demand over the course of build-out under the EGSP. The Project reduces the required commercial space compared to the Previously Approved Project due to changes in consumer spending away from in-person retail since the EGSP was approved. This modification ensures that the major goals and objectives of the Previously Approved Project will be met while accounting for changes in economic circumstances since the time the EGSP was adopted. Therefore, the proposed amendments to the EGSP are consistent with the goals, objectives, and policies of the 1982 General Plan.

- b) Land Use Compatibility: The proposed amendment to the EGSP is consistent with, and compatible with, adjacent land uses and residential properties. The Project site is adjacent to previous development phases under the EGSP, with adjacent land uses consisting mainly of residential uses. The site is disturbed and developed with existing infrastructure, which was completed as part of a prior phase of development. The surrounding land uses include existing residential and community uses associated with the East Garrison community to the east, west, and south. Other surrounding land uses include agricultural cultivation and the Salinas River to the north and east, former Fort Ord to the south and west, and residential uses to the north and west. In addition, the California State University Monterey Bay (“CSUMB”) campus is located approximately one mile west of the site. Marina Municipal Airport is approximately 2.3 miles to the northwest. The Project consists of residential, commercial, and recreational/open space uses and does not introduce new incompatible land uses (such as industrial, manufacturing, hazardous materials processing, etc.) inconsistent with existing adjacent uses. Although the extent of development is reduced, the Project includes commercial, residential, and other related uses consistent with the uses contemplated under the Previously Approved Project.
- c) Public Health and Safety: The Project site was previously approved for development and the EGSP Final Subsequent EIR analyzed development of the Project site with respect to potential adverse impacts to public health, safety, or welfare associated with the implementation of the Previously Approved Project. The Project will not introduce new land uses (such as industrial, manufacturing, hazardous materials processing, etc.) that would result in adverse impacts to public health, safety, or welfare. The proposed amendment to the EGSP will not result in any new or increased adverse impacts to public health, safety, or welfare. Moreover, the Final Phase of construction also includes public facilities (i.e., sheriff substation) and other public safety facilities (i.e., fire station) were developed in prior phases of development.
- d) Internal Inconsistencies: The Project reduces the maximum amounts of commercial space to be developed under the EGSP compared to the Previously Approved Project. Changes under the Project ensure that

major goals and objectives of the Previously Approved Project are met, while accounting for changes in economic circumstances since the time the EGSP was adopted. The Project is consistent with the stated goals of the adopted EGSP, including, but not limited to, creating a compact pedestrian-friendly planned development, designing efficient, self-funded infrastructure systems, and minimizing effects on the environment. The Project does not introduce new land use types that would be inconsistent with the adopted EGSP and includes amendments ensure that there are no internal inconsistencies with the adopted EGSP. The proposed amendment to the EGSP will not result in internal inconsistencies related to implementation of the Project.

- e) Allowable Uses: EGSP Section 3.5, General Land Use Regulations, designates allowable uses for each land use category under the Previously Approved Project. These uses are described in EGSP Table 3.8 as being permitted, permitted with limitations, permitted with an Administrative Permit, permitted with approval of a Use Permit from the Zoning Administrator or Planning Commission, or prohibited. The EGSP amendment updates Section 3.5 and Table 3.8 with revised permitted uses based on the revised development types. Notably, the amendment removes the Multi-Family Rowhouse Dwelling Units and Bed and Breakfast Inns from the list of allowable uses. The Previously Approved Project anticipated that the Project site would be developed with a mix of residential, commercial, and public/institutional uses. The Final Phase of development includes a reduced intensity of residential, commercial, and public/institutional uses that are consistent with the allowable uses in the EGSP.
- f) Development Standards: The adopted EGSP and Pattern Book include development standards for residential and commercial development. The EGSP amendment revises the development standards by modifying the following:
 - Reduce the approved height limit for the Residential High 2 land use category from 4 stories and 50 feet to 3 stories and 45 feet;
 - Increase the approved height limit for the Town Center land use category from 3 stories and 45 feet to 4 stories and 50 feet;
 - Add a new “modern” architectural style for the Town Center;
 - Relocate the Live/Work units;
 - Revise residential lot sizes;
 - Replace “Live/Work Townhouse” lot type with “Live/Work Rowhouse” lot type;
 - add a new “Hamlet” lot type;
 - remove the “Artist Lofts” unit type; and
 - add a new “Live/Work Rowhouse” unit type.

All residential (Residential Medium, Residential High 2, Live/Work Rowhouses, etc.) and commercial development facilitated by the Project will be required to conform to the development standards (including, but not limited to, building setbacks, height limits, and parking requirements) applicable to each land use category identified in the amended EGSP and Pattern Book. Future development would

be subject to the design review process identified in the EGSP. Specifically, development would be subject to review and approval by the East Garrison Design Review Committee prior to issuance of an approval, permit, and/or conformance determination.

- g) Parking: The adopted EGSP identifies parking ratios for each land use type. The amendment modifies parking ratios for the following land use types:
- Residential High 2: the maximum off-street parking requirement is decreased by 0.25 spaces per unit, reducing it from 2.25 per unit to 2 per unit.
 - Town Center (residential): the maximum off-street parking requirement is increased by 0.25 spaces per unit, from 1.25 per unit to 1.5 per unit.
 - Town Center (Fast Casual Restaurant): new requires maximum off-street parking of 1 space per 80 sf of building space is added.
 - Town Center (non-residential, including the Chapel): truck bays are now excluded from the maximum off-street parking requirement.

The Project includes a total of 333 new parking spaces to serve the Town Center and the residential portion would have an available parking supply of 776 spaces (inclusive of private garages, driveway parking, and off-street parking spaces). The Project Applicant retained Kimley-Horn to prepare a Final Phase Shared Parking Analysis (December 2023) (see **Exhibit L** of the April 10, 2024 Planning Commission staff report) to ensure that the proposed parking supply would be sufficient for the Town Center and residential components of the Project. Kimley-Horn determined that the peak parking demand for the Town Center and residential component would be 232 spaces and 518 spaces, respectively. The Shared Parking Analysis concluded that the Project will have sufficient parking.

- h) The application, plans, and related support materials submitted by the project applicant to the Monterey County HCD - Planning for the proposed development found in Project Files PLN030204, PLN030204-AMD1 and PLN030204-AMD2.

4. FINDING: SITE SUITABILITY – The site is physically suitable for the use proposed.

EVIDENCE: a) The Project has been reviewed for site suitability by the following departments and agencies: HCD – Planning; HCD – Environmental Services; HCD – Engineering Services; Water Resources Agency; Public Works, Facilities, & Parks Department; Environmental Health Bureau; Monterey County Sheriff’s Office; and Monterey County Regional Fire District. There has been no indication from these departments/agencies that the Project site is not suitable for the proposed development. As demonstrated in Finding 11 and supporting evidence, Addendum No. 3 to the FSEIR did not identify any potential physical or environmental constraints that would indicate the Project site, as mitigated, would not be suitable for the proposed development.

- b) The County of Monterey found the Project site suitable for residential, commercial, and other related uses as part of the Previously Approved Project (Resolution No. 05-267). Consistent with the previous finding, there are no existing physical or environmental constraints that would indicate the Project site, as mitigated, is not suitable for development.
- c) As demonstrated in Finding 11 and supporting evidence, the EGSP Final Subsequent EIR evaluated potential environmental effects associated with the Previously Approved Project, which included development on the Project site. The Project reduces impacts compared to the Previously Approved Project due to the reduction in residential units and commercial sf. The Project site is considered suitable for the future use under the Project as it will not result in any additional adverse environmental effects. In addition, implementation of mitigation measures identified in the EGSP Final Subsequent EIR will ensure impacts from development under the Project are minimized.
- d) The project planner conducted a site visit February 16, 2024. Through these visits, County staff verified that the Project site is suitable for the proposed development and uses.
- e) The application, plans, and related support materials submitted by the project applicant to the Monterey County HCD - Planning for the proposed development found in Project Files PLN030204, PLN030204-AMD1 and PLN030204-AMD2.

5. 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.

- EVIDENCE:**
- a) The Project has been reviewed by the following departments and agencies: HCD-Planning; HCD-Environmental Services; HCD-Engineering; Water Resources Agency; Public Works, Facilities, & Parks Department; Environmental Health Bureau; Monterey County Sheriff's Office; and Monterey County Regional Fire District. The respective departments and agencies have recommended conditions, 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; or the County in general.
 - b) The County found implementation of the Previously Approved Project would not be detrimental to health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood, property and improvement in the neighborhood, or to the general welfare of the County (Resolution No. 05-267). The Previously Approved Project anticipated future residential, commercial, and other uses on the Project site. Although the Project revises the configuration, layout, and type of residential uses and reduce the maximum commercial space proposed as part of the Final Phase of construction of the EGSP, these modifications would not be

detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing in the vicinity.

- c) Water. Marina Coast Water District (“MCWD”) provides water service to the EGSP area, including the Project site. The County allocated 470 afy to serve the Previously Approved Project and the modification reduces anticipated water demand. Total Project water demand at buildout would be 454.5 acre-feet per year. As a result, implementation of the Project will not exceed the existing available water allocation. Finding 7 and supporting evidence, there is sufficient available water supply to meet the demands associated with implementation of the EGSP, as modified by the Project.
- d) Wastewater. MCWD provides wastewater collection service to the Previously Approved Project, including the Project site. Wastewater collect by MCWD is then conveyed to the Monterey One Water (M1W) regional treatment plant located north of the City of Marina. The Project includes installation of new 6-inch and 8-inch diameter sanitary sewer mains. This new wastewater infrastructure will connect to existing MCWD water infrastructure in Sherman Boulevard, Burnside Avenue, Stonehenge Lane, Bragg Way, and Ord Avenue. The Project will increase the maximum diameter of wastewater gravity mains from 12-inches to 15-inches. The County determined that the Previously Approved Project would generate approximately 0.299 million gallons per day (“MGD”) during average dry weather flow and 0.688 MGD during peak weather flow based on then-current MCWD generation factors. Buildout of the EGSP, as amended, would generate wastewater flow volumes of 0.313 MGD during average dry weather flow and 0.720 MGD during peak wet weather flow using current MCWD factors. The Project would generate slightly more wastewater flow than the Previously Approved Project (0.014 MGD increase for dry weather flows and 0.032 MGD increase for wet weather flows) due to changes in unit types. However, this increase will be accommodated by the existing permitted treatment capacity (29.6 MGD of wastewater) at the M1W regional treatment plant, which receives an average wastewater flow of 18 MGD.
- e) Other public facilities, including solid waste, electric and natural gas, would be installed in common joint trenches along with cable TV facilities. The Project includes abandoning existing utility easements previously recorded as part of the Previously Approved Project and the dedication of new utility easements, as appropriate.
- f) The application, plans, and related support materials submitted by the project applicant to the Monterey County HCD - Planning for the proposed development found in Project Files PLN030204, PLN030204-AMD1 and PLN030204-AMD2.

6. FINDING: **NO VIOLATIONS** - The Project site 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 subject properties.

EVIDENCE: a) Staff conducted site inspections on February 16, 2024 and researched County records to assess if any violation exists on the subject

properties. Staff reviewed Monterey County HCD-Planning and HCD-Building Services records and is not aware of any violations existing on the subject properties, and there no known violations on the subject parcels.

- b) The application, plans, and related support materials submitted by the project applicant to the Monterey County HCD - Planning for the proposed development found in Project Files PLN030204, PLN030204-AMD1 and PLN030204-AMD2.

7. FINDING:

LONG-TERM SUSTAINABLE WATER SUPPLY AND ADEQUATE WATER SUPPLY SYSTEM

– The Project has a long-term, sustainable water supply, both in quality and quantity, and an adequate water supply system to serve the development.

EVIDENCE:

- a) The County of Monterey found that there was a long-term sustainable and adequate water supply system to serve the Previously Approved Project. In 2004, MCWD prepared a Water Supply Assessment and Written Verification of Supply (“WSA”) for normal, single dry, and multiple dry water years, in compliance with Water Code Sections 10910 and 10912 and Government Code Sections 65867.5 and 66473.7. The WSA evaluated the Previously Approved Project and MCWD concluded that they had sufficient available capacity. Accordingly, the County of Monterey found that projected water supplies would be sufficient to satisfy the demands of MCWD, including the East Garrison Project, in addition to existing and planned future uses, for normal, single dry, and multiple dry water years. The County of Monterey subsequently allocated 470 acre-feet per year (“afy”) of the County’s FORA water allocation to the Previously Approved Project (Resolution No. 05-268).
- b) The Project reduces the extent of overall development associated with implementation of the EGSP, as modified, by reducing the extent of residential development by 16 residential units and reduces the maximum amount of commercial development by 45,000 square feet. This results in a decrease in anticipated water demand at buildout as compared to the Previously Approved Project. **Table 1** identifies projected water demand associated with the Project.

Table 1 Revised Projected East Garrison Water Demand at Full Buildout					
Land Use	Dwelling Units	Building Area (sf)	Acreage	Demand Factor ¹ (afy)	Annual Demand (afy)
Residential					
Single-Family Detached	919	N/A	N/A	0.25	229.75
Townhouse	150			0.25	37.50
Live/Work Rowhouse	119			0.25	29.75
Affordable Apartments	196			0.25	49.00
Carriage Units	70			0.25	17.50
Commercial (Town Center)					
Retail	N/A	20,100	N/A	0.00021	4.22
Market/Grocery		3,000		0.00021	0.63
Restaurant & Community Courtyard		6,900		0.00145	10.01

Institutional/Cultural/Parks/Open Space					
Cultural/Educational	N/A	100,000	N/A	0.0003	30.0
Library/Sheriff		4,000		0.0003	1.20
Fire Station		11,200		0.0003	3.36
Parks		N/A	13.27	2.5	33.18
Special Landscape Features			4.00	2.1	8.40
Total	1,454	145,200	17.27		454.5
¹ From Table 4.4 in MCWD 2020 Urban Water Management Plan SF = square feet AFY = acre feet per year (Source: Kimley-Horn, August 2023)					

As shown above, the Project will not exceed projected the 470 afy allocated to serve the Previously Approved Project and there is sufficient existing water supply available to serve the Project. No additional water allocation would be necessary.

- c) The Project will be served by an adequate water supply system. MCWD currently provides water service to the EGSP area. The project includes installation of new 8-inch diameter water mains that will connect to existing MCWD water infrastructure in Sherman Boulevard, Burnside Avenue, Fallingwater Lane, Schofield Lane, and Ord Avenue.
- d) As demonstrated in Finding 11 and supporting evidence, Addendum No. 3 to the EGSP Final Subsequent EIR did not identify new significant impacts as a result of the Project, including water use.
- e) The application, plans, and related support materials submitted by the project applicant to the Monterey County HCD - Planning for the proposed development found in Project Files PLN030204, PLN030204-AMD1 and PLN030204-AMD2.

8. FINDING:

SUBDIVISION – Section 66474 of the California Government Code (Subdivision Map Act) and Title 19 (Subdivision Ordinance) of the Monterey County Code require 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.

The Project, including the Vesting Tentative Map has been reviewed and none of these findings can be made.

- EVIDENCE:**
- a) The Project includes a Vesting Tentative Map (see **Exhibit E** of the April 10, 2024 Planning Commission staff report) for the re-subdivision of existing lots of record to facilitate individual sale and/or lease of each of the proposed residential and live/work units and the remaining non-residential space under the Final Phase of development. The Project will result in the creation of 61 Residential-Medium Lots (Lots 1135-1151 and 1231-1274) and 79 Residential-High-2 Lots (Lots 1152-1230), for a total of 140 single-family lots on 7.29 acres. The Project will also result in the creation of 119 Live/Work lots (Lots 1016-1134 over 4.26 total acres), two Town Center Parcels (Parcels T4.1-4.2 over 2.5 total acres), 15 Open Space Parcels (Parcels Z4.1-4.15 over 2.85 total acres), one Street Right-of-Way (Parcel S4.1 over 0.64 total acres), and 11 Lane Right-of-Ways (Parcels A4.1-4.11 over 2.71 total acres).
 - b) The Project includes minor amendments to the existing EGSP to allow development as currently proposed. Adoption of the proposed amendments would ensure that the subdivision of the Project site is consistent with the EGSP, as amended (see Finding 3 and supporting evidence). Therefore, the Vesting Tentative Map will be consistent with the EGSP.
 - c) The design and improvements included in the Project are consistent with the intent of the EGSP and will assist in the development of the Final Phase of the East Garrison Specific Plan, as amended. The site is physically suitable for the type of development at the density proposed.
 - d) The County of Monterey evaluated the suitability of the site for future development as part of the Previously Approved Project. The subdivision of the site as part of the Project will facilitate future residential, non-residential, and public uses consistent with the overall intent of the Previously Approved Project (see Finding 4 and supporting evidence). The Project site was previously graded in connection with prior phases of development associated with the Previously Approved Project. The introduction of future residential, non-residential, and community uses proposed as part of the Project will be compatible with the site. Moreover, the site is physically suitable for the type of development at the density proposed.
 - e) As demonstrated in Finding 11 and supporting evidence, the Project will not cause substantial environmental damage or result in damage to fish and wildlife and their habitat. The EGSP Final Subsequent EIR evaluated potential impacts to biological resources associated with implementation of the Previously Approved Project, which anticipated future development on the Project site. The EGSP Final Subsequent EIR identified mitigation measures to ensure that potential impacts would be minimized to a less than significant level. As identified in Addendum No. 3, the Project will not result in any additional environmental effects beyond those previously identified in connection with the Previously Approved Project. In addition, the County found that subdivision of the Previously Approved Project would not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. For these reasons, the re-subdivision of existing lots of record associated with the Project will not cause substantial environmental damage or result in damage to fish and wildlife and their habitat.

- f) The Project will not result in any serious public health problems and will not conflict with easements or access acquired for the public.
- g) The application, plans, and related support materials submitted by the project applicant to the Monterey County HCD - Planning for the proposed development found in Project Files PLN030204, PLN030204-AMD1 and PLN030204-AMD2.

9. FINDING: INCLUSIONARY HOUSING – The Project complies with the Inclusionary Housing Ordinance requirement to provide a minimum of 20% affordable housing units.

- EVIDENCE**
- a) The County of Monterey found the Previously Approved Project consistent with Monterey County Code Chapter 18.40 – Inclusionary Housing Ordinance. See Board of Supervisor’s Resolution No. 05-267, Finding 10 and supporting evidence.
 - b) Paragraph A of Attachment No. 3 to the Disposition and Development Agreement for the project required a minimum of 6% of the units be affordable at the very low-income category (84 of the original 1,400-units), 8% of the units be affordable at the low-income category (112 of the original 1,400-units); 6% of the units be affordable at the moderate-income category (84 of the original 1,400-units); and, 10% of the units be affordable at the Workforce II income category (140 of the original 1,400-units).
 - c) A total of 130 very low- and low-income units required by the Previously Approved project were constructed during Phase 1 and 1, leaving 66-affordable units remaining to construct during the Final Phase.
 - d) A total of 51 moderate-income units required by the Previously Approved Project were constructed during Phases 1 and 2, leaving 33-moderate-income units to construct during the Final Phase.
 - e) A total of 70 workforce II units required by the Previously Approved Project were constructed during Phase 2, leaving 70-workforce units to construct during the Final Phase.
 - f) As demonstrated in Finding 1, Evidence “d”, the Project includes 66 very low and low income rental units, 33 for sale deed restricted moderate units and 70 for sale deed restricted Workforce II units.
 - g) As demonstrated in Finding 10 and supporting evidence, an amendment to the DDA, and as conditioned, commitments are in place to ensure the Project meets the EGSP inclusionary housing obligations prior to build out.
 - h) The application, plans, and related support materials submitted by the project applicant to the Monterey County HCD - Planning for the proposed development found in Project Files PLN030204, PLN030204-AMD1 and PLN030204-AMD2.

10. FINDING: SUCCESSOR AGENCY AGREEMENTS – The Project modifies the Successor Agency Agreements (including the Development and Disposition Agreement) based on the revised construction location and timing of the affordable rental housing under the Final Phase of development, changes to timing of the Town Center, and revised residential unit count, types and sizes.

- EVIDENCE**
- a) The Project changes the Phase 3 and Town Center layout to relocate the Phase 3 Affordable Rental Housing Project to be stacked on top of the commercial Town Center. Relocating the affordable rental housing to the Town Center helps reduce construction costs by eliminating the need for parking garage and enhancing competitiveness for low-income housing tax credit program funding.
 - b) The DDA recognizes the development of the Town Center is an important part of the design of the Project and that the market for retail commercial space at East Garrison is uncertain, allowing for a range of allowable square footage with a minimum of 34,000 sf inclusive of a 4,000 sf Library/Sheriff's Substation. The DDA establishes timing triggers associated with sale of market rate lots in Phase 3 by which the Town Center must be constructed. The Project requires changes to the construction timing triggers associated with the Town Center development to tie the triggers to issuance of building permits for Final Phase market rate units, as well as amending the Schedule of Performance for the Final Phase to include a phasing plan that ensures the public amenities and affordable rental housing units are constructed concurrently with the market-rate units. The timing triggers and phasing schedule ensure the public amenities and affordable rental housing units are constructed concurrently with the remaining market-rate units. In addition, by accepting the First Amendment to the Completion Guaranty, the Agency further ensures that the affordable rental units (and Town Center upon which the apartments are stacked) will be completed by or before December 31, 2029.
 - c) The Project reduces the number of overall residential units by 16 units, reduced the maximum commercial space by 45,000 sf, and includes new residential unit types and sizes. In August 2023, the Developer submitted a Tax Increment Analysis which indicates that the total new incremental ad valorem property tax generated and the amount available (tax increment) to fund the Agency's enforceable obligations generated under the Project is greater than the tax increment generated by the Previously Approved Project. This increase in property tax generated results in an increase in net revenues to the taxing entities. The increase in tax increment generated reduces the Agency's liabilities by enabling the Agency to retire obligations sooner given the increase in revenues, thereby ensuring consistency with state law related to amending enforceable obligations.
 - d) The Project changes the implementation terms for the Moderate-Income units regarding location and minimum size and Workforce II units regarding implementation procedures ensure the terms or conditions of the DDA are implemented by facilitating and assuring the units are built consistent with the goals and objectives of the development approvals.
 - e) The application, plans, and related support materials submitted by the project applicant to the Monterey County HCD - Planning for the proposed development found in Project Files PLN030204, PLN030204-AMD1 and PLN030204-AMD2.

11. **FINDING:** **CEQA (Consider Certified Final Subsequent EIR with Addendum)** – In accordance with CEQA Guidelines Section 15164(d), the Planning Commission considered Addendum No. 3 together with the East Garrison Specific Plan Final Subsequent EIR (SCH#2003081086) prior to recommending approval of the Project to the Board of Supervisors. The Project requires minor revisions to the EGSP, but none of the conditions described in CEQA Guidelines Section 15162 calling for preparation of a subsequent EIR have occurred.
- EVIDENCE**
- a) Addendum No. 3 to the EGSP Final Subsequent EIR (see **Exhibit G** of the April 10, 2024 Planning Commission staff report) evaluated the potential environmental effects associated with the implementation of the Project and identified that it would reduce the extent of overall development associated with buildout of the EGSP as compared to the Previously Approved Project. As a result, Addendum No. 3 concluded that the Project would reduce the magnitude of potential environmental effects identified in the EGSP Final Subsequent EIR, although the level of anticipated environmental effects (i.e., less than significant, less than significant with mitigation, significant and unavoidable) would remain unchanged.
 - b) Addendum No. 3 determined that the Project, consistent with the requirements of CEQA Guidelines Section 15162, would not involve any substantial changes requiring subsequent environmental review, and there is no new information of substantial importance requiring major revisions of the EGSP Final Subsequent EIR (SCH#2003081086, certified by the Monterey County Board of Supervisors on October 4, 2005, Resolution No 05-264) (see **Exhibit H** of the April 10, 2024 Planning Commission staff report). The Project would not result in any new significant environmental effects that cannot be mitigated with existing, previously identified mitigation measures in the EGSP Final Subsequent EIR. In addition, the Project would not result in any new significant environmental effects or substantially increase the severity of a previously identified significant environmental effects beyond those identified in the EGSP Final Subsequent EIR.
 - c) CEQA Guidelines Section 15164 states that a lead agency or responsible agency may choose to prepare an addendum to a previously certified EIR if some changes or additions are necessary, but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred. The Project does not present a substantial change to identified environmental impacts previously discussed and addressed in the FSEIR (SCH#2003081086). Therefore, a subsequent or supplemental EIR, pursuant to CEQA Guidelines Section 15162, is not required and an addendum to the EGSP Final Subsequent EIR is appropriate.
 - d) The County has prepared Addendum No. 2 to the previously-certified EGSP Final Subsequent EIR for the East Garrison Specific Plan and Combined Development Permit Amendment pursuant to CEQA Guidelines Section 15164.

- e) The application, plans, and related support materials submitted by the project applicant to the Monterey County HCD - Planning for the proposed development found in Project Files PLN030204, PLN030204-AMD1 and PLN030204-AMD2.

12. FINDING: **MITIGATION MONITORING PROGRAM** – As demonstrated in the Addendum No.2 to the EGSP Final Subsequent EIR, the Project modifications would not require the creation of additional mitigation measures, revised mitigation measures, or other changes to the approved Mitigation Monitoring and Reporting Program.

- EVIDENCE:**
- a) The Board of Supervisors previously certified the EGSP Final Subsequent EIR (SCH#2003081086), adopted a Mitigation Monitoring and Reporting Plan (“MMRP”), and adopted a Statement of Overriding Considerations for the Previously Approved Project (Resolution No. 05-264) on October 4, 2005.
 - b) The MMRP identified 66 mitigation measures that would be applicable to the Previously Approved Project. As identified in Addendum No. 3, the following 17 mitigation measures would be applicable to the Project:

Air Quality:

- MM 4.5-B-1
- MM 4.5-C-1

Biological Resources:

- MM 4.7-D-1
- MM 4.7-D-2
- MM 4.7-D-3
- MM 4.7-D-4
- MM 4.7-D-5

Cultural Resources:

- MM 4.8.2-A
- MM 4.8.2-D
- MM 4.8.2-E
- MM 4.8.2-H
- MM 4.8.2-I

Geology and Soils:

- MM 4.2-C-4

Noise:

- MM 4.6-A-1
- MM 4.6-C-1

- c) Addendum No. 3 did not identify any additional mitigation measures beyond those previously identified in the EGSP Final Subsequent EIR.

- d) The application, plans, and related support materials submitted by the project applicant to the Monterey County HCD - Planning for the proposed development found in Project Files PLN030204, PLN030204-AMD1 and PLN030204-AMD2.

13. FINDING: **NOTICE** – The Planning Commission held a duly noticed public hearing on the Project, on April 10, 2024, at which hearing all persons had the opportunity to be heard.

EVIDENCE Public notice for the April 10, 2024 Planning Commission hearing was provided through publication of notice in the *Monterey County Weekly*, mailing to residents within the East Garrison Planning area, onsite posting of notices, and mailing to interested parties who had previously asked to receive notice.

DECISION

NOW, THEREFORE, based on the above findings and evidence and the administrative record as a whole, the Planning Commission does hereby recommend that the Board of Supervisors take the following actions:

- 1) Consider an Addendum, together with the Final Subsequent Environmental Impact Report for the East Garrison Specific Plan (SCH#2003081086) pursuant to CEQA Guidelines Section 15164;
- 2) Adopt a resolution amending the East Garrison Specific Plan, including Appendix A – East Garrison Pattern Book (Resolution No. 05-266);
- 3) Approve a Vesting Tentative Map for the East Garrison Final Phase to allow the re-subdivision of 20.25 acres consisting of Phase 1 Final Map Parcels T1.1 – T1.8, Phase 2 Final Map Parcels M2.10 and M2.11, and Phase 3 Final Map Parcels M3.1 – M3.6, resulting in 140 single family residential parcels, 119 Live/Work parcels, two Town Center Parcels, approximately 2.85 acres in Open Space parcels, and approximately 3.35 acres in right of way parcels;
- 4) Amend the Combined Development Permit (Board of Supervisor’s Resolution 05-267) to allow the redistribution of allowed development resulting in the East Garrison Final Phase consisting of: a mixed-use Town Center building with 30,000 square feet of commercial space on the first floor and 66 Affordable Artspace apartment units above, 61 Residential Medium units, 79 Residential High units, and 119 Live/Work Rowhouses; and
- 5) Adopt a Mitigation Monitoring and Reporting Plan.

All work must be in general conformance with the attached plans, and this approval is subject to 265 conditions previously adopted for the Approved Project, all being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 10th day of April, 2024, upon motion of _____, seconded by _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Melanie Beretti, AICP
Planning Commission Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON _____.