

MONTEREY COUNTY PLANNING COMMISSION

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| Meeting: October 8, 2014 | Time: 1:30pm | Agenda Item No.: 3 |
| <p>Project Description: Combined Development Permit consisting of: 1) Standard Subdivision Vesting Tentative Map for the subdivision of approximately 870 acres to into 212 lots including 146 market rate single family residential lots, 23 clustered market rate residential lots & 43 lots for Inclusionary Housing units; three Open Space parcels of approximately 600 acres (Parcels A, B, & C), and one agricultural-industrial parcel (Parcel D) for the future development of winery related uses; 2) Use Permit for removal of up to 921 protected Oak trees; 3) Use Permit for development on slopes exceeding 30 percent; a General Plan Amendment to amend the land use designation of parcel (Parcel D) from Low Density Residential to Agricultural Industrial; and an amendment to the Zoning Ordinance changing Parcel D from LDR/2.5-VS (Low Density Residential, 2.5 acres/unit with Visual Sensitivity) to AI-VS (Agricultural Industrial with Visual Sensitivity). Also consider a General Plan Amendment to amend the land use designation of proposed Parcel D from Low Density Residential to Agricultural Industrial, and an amendment to the zoning maps to reclassify Parcel D from LDR/2.5-VS (Low Density Residential, 2.5 acres/unit with Visual Sensitivity) to AI-VS (Agricultural Industrial with Visual Sensitivity).</p> | | |
| <p>Project Location: Fronting on and southerly of State Highway 68, encompassing two areas separated by Toro Regional Park. The eastern portion is bound by River Road and the western portion is bound by San Benancio Road.</p> | | <p>APN(s): 161-011-019-000, 161-011-030-000, 161-011-039-000, 161-011-057-000, 161-011-058-000, 161-011-059-000, 161-011-078-000, 161-031-016-000, and 161-031-017-000</p> |
| <p>Planning File Number: PLN040758</p> | | <p>Owner/Applicant: Bollenbacher & Kelton Inc. (Ferrini Ranch) Agent: Lombardo & Associates (Tony Lombardo)</p> |
| <p>Planning Area: Toro Area Plan</p> | | <p>Flagged and staked: No</p> |
| <p>Zoning Designation: Unclassified</p> | | |
| <p>CEQA Action: EIR</p> | | |
| <p>Department: RMA-Planning</p> | | |

RECOMMENDATION:

Staff recommends that the Planning Commission:

- a) Consider the information presented in the Staff Report and Final Environmental Impact Report (EIR) (**Exhibits D and E**), open the public hearing and receive testimony on the application, then provide staff direction on how the Planning Commission wishes to proceed with the application.

PROJECT OVERVIEW:

The proposed project is an application to create 212 new residential units, including 146 market rate lots, 23 clustered market rate lots, and 43 units for inclusionary housing on 870 acres. An EIR has been prepared for the subject property which identified 5 alternatives. Alternative 5 is the Environmentally Superior Alternative and would create 168 market rate units and 17 moderate income units, with the inclusionary housing being satisfied through payment of in-lieu fees. This staff report is intended to provide an overview of the project and allow the Planning Commission to take public testimony before providing staff direction on the recommendation that the Commission intends to make to the Board of Supervisors. To this end, no staff recommendation is attached to this report.

See **Exhibit A** for a detailed discussion of the project.

OTHER AGENCY INVOLVEMENT: The following agencies and departments reviewed this project:

- √ RMA-Public Works Department
- √ RMA-Environmental Services
- √ Environmental Health Bureau
- √ Water Resources Agency
- √ Monterey County Fire Protection District
- √ Parks Department
- √ RMA - Building Department
- √ Economic Development Department
- √ California Department of Transportation, District 5
- √ Regional Water Quality Control Board, District 3

/S/ John H. Ford

/S/ David J. R. Mack

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cc: Front Counter Copy; Planning Commission; Monterey County Regional Fire Protection District; RMA-Public Works Department; RMA-Environmental Services; Parks Department; Environmental Health Bureau; Water Resources Agency; John H. Ford, RMA Services Manager; David J. R. Mack, Associate Planner; Bollenbacher & Kelton Inc. (Ferrini Ranch), Owner; Lombardo & Associates (Tony Lombardo), Agent; The Open Monterey Project (Molly Erickson); LandWatch (Amy White); Dee Baker, Interested Party; Laurel Hogan, Interested Party; Pat Huber, Interested Party; John H. Farrow; Janet Brennan; Planning File PLN040758

Attachments: Exhibit A Project Discussion
 Exhibit B Tentative Map for 212 lots
 Exhibit C Alternative 5
 Exhibit D Draft EIR
 Exhibit E Final EIR

The following attachments are also available for review on the RMA-Planning public website at <http://www.co.monterey.ca.us/planning/>: Project Plans, Draft EIR, and Final EIR.

This report was prepared with assistance from Joe Sidor, Ashley Nakamura, Grace Bogdan and reviewed by John H. Ford, RMA-Planning Services Manager.

EXHIBIT B DISCUSSION

1. PROJECT DESCRIPTION

The subject site is large is located along the south side of Highway 68 between River Road and San Benancio Road. Toro County Park and Marks Ranch split the two parcels which constitute the subject site. Only a small portion of the property has direct access to the Portola Road interchange. This portion of the property is the location of the inclusionary housing. References to the project will generally fall into three locations as follows:

- Eastern – East of Toro Park. Access to this area would be via River Road, and includes what is referred to as Parcel D and the Bull Field (low grassland visible from Highway 68.)
- Inclusionary – Located off of Portola Lane south of highway 68 behind the residences off Road 117.
- Western – location of most of the market rate single family residences. Extends from Toro Park to San Benancio Road.

The EIR process rendered an environmentally superior alternative that was different from the project described in the application. The alternative development process and different alternatives are discussed in more detail below. In order to provide efficiency and clarity, this staff report identifies the project described in the application and then the environmentally superior alternative. The analysis will focus primarily on the environmentally superior alternative.

A. Application Project Description.

The project proposes the subdivision of 870 acres (nine parcels) of land located south of Highway 68 between River Road and San Benancio Road within the Toro Area. The project site is divided into two areas: (1) between River Road and Toro Park (eastern portion), and (2) between Toro Park and San Benancio Road (western portion).

The subdivision is proposed to create 212 residential lots, consisting of 146 market-rate single family residential lots, 23 clustered market-rate residential lots, 43 inclusionary housing residential lots, three open space parcels totaling approximately 600 acres (Parcels A, B, & C), and one agricultural-industrial parcel (Parcel D) for the future development of a winery (Standard Subdivision Vesting Tentative Map.)

The proposed subdivision will include four private roadway parcels totaling 43.1 acres. Three access points are proposed as follows:

- 1) An access road through a portion of Toro Regional Park off Highway 68;
- 2) A separate (not connected) access point off River Road; and
- 3) A separate (not connected) access point off San Benancio Road.

The establishment of the proposed subdivision will require removal of up to 921 protected Oak trees (Use Permit.) The project also includes a Use Permit to allow development on slopes over 30%.

The application includes a request to amend the land use designation of proposed Parcel D from Low Density Residential to Agricultural Industrial, and an amendment to the zone Parcel D AI-VS (Agricultural Industrial with Visual Sensitivity).

B. Environmentally Superior Alternative (Alternative 5)

This alternative was included in the Recirculated Draft EIR (RDEIR) it includes the following changes:

- Reduces unit count (from 212 units to 185 units; 168 market-rate units and 17 below market-rate units).
- Parcel D is reduced in parcel size (11.8 acres) and is changed from a winery to a visitor center.
- Reconfigures and reduces lot size,
- Increases open space by approximately 101 acres,
- Access to the western development area will be a new signalized intersection on SR-68 (New Torrero).

2. BACKGROUND

In 1980 the Board of Supervisors adopted the Toro Vista Specific Plan which included the subject site. The 1982 Monterey County General Plan designation for the subject site was Low Density Residential 1 to 5 acres per unit. That density ranch was consistent with the Toro Vista Specific Plan. In 1986 the Toro Area Plan was adopted designating portions of the subject site for Low Density Residential 1 to 5 acres per unit and much of the site Resource Conservation 10-160 acre minimum. The Toro Area Plan showed the Toro Vista Specific Plan covering the subject site with a note indicating a maximum of 599 units. In 1993 the Toro Area Plan was rezoned to bring the zoning into conformance with the land use designations. At this time the Toro Vista Specific Plan was being repealed and the subject site was left without zoning and the land use designation reverted back to the 1982 General Plan designation of Low Density Residential 1 – 5 units per acre. That is how the land use designation has remained until adoption of the 2010 General Plan when the Land Use Designation was set at Low Density Residential 2.5 units per acre.

Currently the site has no zoning. The County will be responsible for rezoning the site, and the rezoning is on the work program for RMA Planning.

3. GENERAL AND AREA PLAN CONSISTENCY

The proposed project is being processed under the 1982 General Plan and Toro Area Plan. 2010 Monterey County General Plan Policy LU-9.3 states: *Applications for standard and minor subdivision maps that were deemed complete on or before October 16, 2007 shall be governed by the plans, policies, ordinances and standards in effect at the time the application was deemed complete.* This application was deemed complete in 2005 rendering it subject to the 1982 General Plan. The subject site is within the Toro Area Plan and is subject to the Area Plan as it existed prior to adoption of the 2010 General Plan. This analysis will focus on the 1982 General and Toro Area Plan.

The Project's consistency with the policies of the General Plan and Toro Area Plan is evaluated in the DEIR (pages 3.9-5 through 3.9-12). The Project's consistency with the following policies of the Toro Area Plan merits additional discussion and consideration as these policies are considered as the most constraining for the development of the Site.

A. Water Supply:

26.1.4.3 A standard tentative subdivision map and/or vesting tentative and/or Preliminary Project Review Subdivision map application for either a standard or minor subdivision shall not be approved until:

(1) The applicant provides evidence of an assured long term water supply in terms of yield and quality for all lots which are to be created through subdivision. A recommendation on the water supply shall be made to the decision making body by the County's Health Officer and the General Manager of the Water Resources Agency, or their respective designees.

(2) The applicant provides proof that the water supply to serve the lots meets both the water quality and quantity standards as set forth in Title 22 of the California Code of Regulations, and Chapters 15.04 and 15.08 of the Monterey County Code subject to the review and recommendation by the County's Health Officer to the decision making body.

The project will receive water from California Water Service Company (Cal Water.) Cal Water prepared an Urban Water Management Plan (UWMP) which identifies that Cal Water has the capacity to provide 50,000 acre feet of water per year; however their projected customer demand through the year 2040 is 25,572 acre feet per year. Cal Water will provide water from their wells near Spreckles which draw from the 180/400-Foot Subbasin of the Salinas Valley Groundwater Basin.

The Salinas Valley Groundwater Basin as a whole and the 180/400 Foot aquifer are in an overdraft condition experiencing saltwater intrusion. The Monterey County Water Resources Agency (MCWRA) and the Monterey Regional Water Pollution Control Agency (MRWPCA) operate two major capital projects, Salinas Valley Water Project (SVWP) and the Salinas Valley Reclamation Project (SVRP), which are designed to provide better management of groundwater quality and halt the long-term trend of seawater intrusion and groundwater overdraft. As discussed in Master Response 2 of the FEIR, the growth projected associated with the UWMP for Cal Water is included within the modeling accomplished for development of the SVWP. The proposed project would not directly rely on water produced through the SVWP or other projects, but relies on the overall benefits provided from the suite of projects managed by MCWRA and constructed to minimize seawater intrusion.

The project is estimated to have a total demand of 95 acre feet per year. The DEIR found this demand on the subbasin less than significant due to a combination of factors. First is the low volume of demand (95 acre feet per year) versus the total storage capacity of the subbasin (7.24 million acre feet per year). Second is the small demand of this project (95 AFY) in relation to the overall annual demand for the subbasin in 2005 of 118,372 AFY (Agricultural Pumping: 97,028 and Urban Pumping 21,344 (Monterey County Water Resources Agency 2007).) By comparison, the total pumping from the SVGB is 500,000 AFY with a 90/10 split between agriculture and urban uses. Third is the consistency with the CWSC Urban Water Management

Plan, and fourth is the positive influence of the suite of projects implemented to combat seawater intrusion; the Salinas Valley Water Project, CSIP, Lake Nacimiento and Lake San Antonio. This is discussed in more detail in the DEIR and in Master Response 2 of the FEIR.

The policy stated above requires the County find that there is adequate water quality and quantity in making a determination that there is a long term water supply. The information presented shows that Cal Water will be providing water and has the infrastructure capacity to provide the water. The question of quantity in the SVGB is dependent upon whether the suite of projects discussed provides sufficient mitigation for the seawater intrusion. The evidence indicates that the rate of intrusion is slowing, but the ultimate answer to that will not be available for several years as the projects designed to slow pumping and put water back into the ground have an effect and ground water is monitored. The water quality is addressed by the fact that the water is being provided by a utility that is regulated and is required to provide water that meets minimum standards.

B. Development on 30 Percent Slopes

26.1.10 The County shall prohibit development on slopes greater than 30%. It is the general policy of the County to require dedication of scenic easement on a slope of 30% or greater. Upon application, an exception to allow development on slopes of 30% or greater may be granted at a noticed public hearing by the approving authority for discretionary permits or by the Planning Commission for building and grading permits. The exception may be granted if one or both of the following findings are made, based upon substantial evidence:

- a) there is no alternative which would allow development to occur on slopes of less than 30%; or,*
- b) the proposed development better achieves the resource protection objectives and policies contained in the Monterey County General Plan, accompanying Area Plans and Land Use Plans, and all applicable master plans.*

Please see the Use Permit discussion below.

C. Site Suitability

26.1.18 Development proposals which are consistent with the land use plan designation (Figures 13a, 13b, and 13c) may be denied due to factors including, but not limited to, lack of public facilities and services, infrastructure phasing problems, water availability and sewage problems, or presence of environmental and/or plan policy constraints which cannot be mitigated.

27.1.2 The County shall limit residential development in areas which are unsuited for more intensive development due to the presence of physical hazards and development constraints, the necessity to protect natural resources, and/or the lack of public services and facilities.

D. Oak Tree Preservation

7.2.3 (T) The preservation of oak trees in Toro shall be promoted by discouraging removal of healthy trees with diameters in excess of eight inches.

Please see the Use Permit discussion below

E. Areas of Visual Sensitivity

26.1.6.1 (T) Within areas of visual sensitivity as indicated on the Toro Visual Sensitivity Map, to development shall be permitted without a finding by the Board of Supervisors or its designee that such development will not adversely affect the natural scenic beauty of the area. Additionally, areas of visual sensitivity shall be reviewed critically for landscaping and building design and siting which will enhance the scenic value of the area.

40.2.5 (T) The County shall require newly created parcels to have building sites outside of the 51 critical viewshed.

Critical Viewshed:

Toro Area Plan Policies require that newly created parcels have building sites outside of the critical viewshed, maintain a 100 foot setback from designated scenic routes, and that open space zoning be applied.

Avoiding the critical viewshed area and maintaining the 100 foot setback may be possible on Lots 12, 14, 15, 75, 81, 85, 143, 146 and Parcel E, through site planning and/or the designation of building envelopes and/or the placement of scenic easements.

Lots 1, 10, 11, 82-84, 144, the Ferrini Ranch Road (main access road), and the River Road access road are either mostly or entirely located within the designated critical viewshed, or within the 100 foot setback area. Therefore, building areas cannot be located outside of the critical viewshed or outside the 100 foot setback area.

Although, various proposed lots are either partially or entirely located within the critical viewshed area, due to the benefit of the natural land topography and existing natural vegetation, many of the building sites are minimally visible from the identified common public viewing areas.

The intent of the critical viewshed is to protect views from common public viewing areas, such as Highway 68. In this situation, although some of the lots are partially or entirely located within the critical viewshed, the lots have been proposed in the areas that provide the most natural screening from the public viewing areas, while providing building areas consisting of slopes less than 25 percent.

Visual Sensitivity:

Majority of the project site is designated as visually sensitive. Most lots and or improvements are either fully or partially located within the visually sensitive area. Developments in visually sensitive areas require site planning and attention, but are not necessarily prohibited by policy.

Development within the visually sensitive areas of the project is primarily focused below the ridgeline of the highest elevation and on the southern slope of the hills, providing building

lots with building areas of less than 30 percent slopes, and can avoid ridgeline development through proper site planning.

The County has development standards for scenic areas.

The County intends to reclassify the entire project site with Low Density Residential, 2.5 acres per unit, with Visually Sensitive and Design Control District Overlays, or “LDR/2.5-VS-D” zoning.

The LDR/2.5 zoning is intended to accommodate low density and intensity uses in the rural and suburban areas of the County and to insure that allowable land uses are compatible with the area.

The VS zoning district overlay provides regulations for the review of the development in those areas of the County in which such development has the potential to create adverse visual impacts when viewed from a common public viewing area.

The D zoning district overlay provides regulations of the location, size, configuration, materials, and colors of structures and fences in those areas of the County where design review of structures is appropriate to assure protection of the public viewshed, neighborhood character, and to assure the visual integrity of certain developments.

The implementation of the LDR/2.5-VS-D zoning will enable the County to apply strict planning regulations during the review process to avoid significant visual impacts to the existing viewshed.

F. Scenic Highway Corridor

39.1.1.3 (T) The County shall require significant financial contributions from each new subdivision in the Toro Planning Area in order to expedite funding and construction of Highway 68.

40.2.3 (T) Land use, architectural, and landscaping controls shall be applied and sensitive site designing encouraged to preserve Toro's scenic entrances--the River Road/Highway 68 intersection and the Laureles Grade scenic vista overlooking the Planning Area.

The project as is proposed on undeveloped lands adjacent to State Route-68, a designated Scenic Highway Corridor. The eastern portion of the development is located in close proximity to the River Road/Highway 68 intersection and includes the development of a winery-related center on scenic bluff, visible from SR-68. The project includes development of landscape berming along this bluff in an effort to screen the potential development. The primary issue is whether or not the proposed landscaping berming is consistent with the intent of the Policy 40.2.3 (T), requiring the use of landscaping controls to preserve this scenic entrance.

Relative to the Policy 39.1.1.3(T), the project would be subject to the payment of applicable local traffic mitigation fees (TAMC, City of Salinas), which would be applied toward the construction of needed roadway and intersection improvements about Highway 68. Should

an alternative to the project be considered, both Alternative 3B and Alternative 5 would require the applicant to fully fund the a 1.3 mile portion of Highway 68 and the installation of a new traffic signal for a new at-grade intersection (New Torrero). The funding of the these requirements would also comply with the intent of Policy 39.1.1.3 (T).

G. Ridgeline Development

26.1.9 In order to preserve the County's scenic and rural character, ridgeline development shall not be allowed unless a special permit is first obtained. Such permit shall only be granted upon findings being made that the development as conditioned by permit will not create a substantially adverse visual impact when viewed from a common public viewing area. 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.

Definition of Ridgeline Development

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 proposed project and alternatives were designed to avoid the creation of lots that would constitute ridgeline development. Though some of the lots and future houses will be seen from public common viewing areas, the development will not result in silhouettes on the crest of hills. Staff recommends that the project is conditioned to limit the height of future structures to one story and recommends rezoning of the lots include a visual sensitivity overlay to ensure the future project development is consistent with the General Plan policies in regard to substantial adverse visual impacts.

H. Slope Density

3.2.4 (T) Except in areas designated as medium or high density residential or in areas designated as commercial or industrial where residential use may be allowed, the following formula shall be used in the calculation of maximum possible residential density for individual parcels based upon slope:

- 1. Those portions of parcels with cross-slope of between zero and 19.9 percent shall be assigned 1 building site per each 1 acre.*
- 2. Those portions of parcels with a cross-slope of between 20 and 29.9 percent shall be assigned 1 building site per each 2 acres.*
- 3. Those portions of parcels with a cross-slope of 30 percent or greater shall be assigned zero building sites.*
- 4. The density for a particular parcel shall be computed by determining the cross-slope of the various portions of the parcel, applying the assigned densities listed above according to the percent of cross-slope, and by adding the densities derived from this process. The maximum density derived by the procedure shall be used as one of the factors in final determination of the actual density that shall be allowed on a parcel. Where an entire parcel would not be developable because of plan policies, an extremely low density of development should be allowed.*

Based upon the projects slope density maps (see **Figures 3.5-5a** and **3.5-5b** of the project EIR), the project would be allowed the following number of building sites:

- 1) Those portions of the project parcels with cross-slope of between zero and 19.9 percent shall be assigned one building site per each one acre (294 acres) or 294 building sites; however, when divided by the intended zoning of LDR/2.5 the number of building sites is reduced to 118.
- 2) Those portions of parcels with a cross-slope of between 20 and 29.9 percent shall be assigned one building site per each two acres (187 acres) or 93 building sites; however, when divided by the proposed zoning of LDR/2.5 the number of building sites is reduced to 75.
- 3) Those portions of parcels with a cross-slope of 30 percent or greater shall be assigned zero building sites (389 acres).

Therefore, the total number of allowed building sites would be 193 (118 + 75). Alternative 5 (185 lots) is the only project proposal that fits within the allowed number of building sites.

4. CEQA/ENVIRONMENTAL REVIEW

- A. Environmental Impact Report Preparation and Circulation. An Environmental Impact Report was prepared for the proposed project in accordance with the California Environmental Quality Act. The public review period for the Draft EIR was from August 27, 2012 through October 22, 2012. Based upon the comments received on the DEIR, a Recirculated Draft EIR was prepared for 4 sections (Air Quality, Biological Resources, Greenhouse Gas Emissions and Climate Change, and Alternatives). The public review period for the RDEIR was from July 1, 2014 until August 18, 2014. Based upon the comments received on the RDEIR, a Final EIR was released for public review on October 1, 2014. This release date complies with the legal requirement of allowing public and responsible agency (State) review at least 10 days prior a decision.
- B. Significant Unavoidable Impacts.

The EIR identified that there would be significant unavoidable adverse impacts related to Aesthetic Resources and Traffic. In order to approve the project with these impacts, Findings of Overriding Consideration must be adopting indicating how the project benefits compensate for the impacts identified.

- i. **Aesthetic Resources**

This impact is related to the placement of Ferrini Ranch Road within the 100 foot setback and in the Critical Viewshed extending from Toro Park to the project along the frontage of Highway 68. The proposed project shows access through Toro Park and along a road extended along the south side of Highway 68 before turning into the project site and providing access to the proposed subdivision. The DEIR identified this would be a significant unavoidable impact unless the project could be redesigned to not construct the road parallel to Highway 68 or out of the 100 foot setback and out of Critical Viewshed. The project alternatives which rely on an intersection at New Torrero for access would not have a significant unavoidable impact because the road would not be constructed parallel to the highway within the 100 foot setback and Critical Viewshed. The alternatives thus reduce this impact to a less than significant level.

ii. Traffic Impacts:

There are intersections along Highway 68 and segments along Highway 68 which are already operating at unacceptable levels of service. TAMC has a Highway 68 improvement project which when funded will improve the function and service level of some of the intersections and road segments along Highway 68. Some intersections along Highway 68 fall outside of this project or will not be improved to an acceptable level of service and so any additional traffic through those intersections must be considered an unavoidable significant impact. The following intersections and roadway segments are already operating and degraded levels and there is not project identified to fix the situation and thus any additional traffic would be considered a significant impact:

Intersections

- Olmstead Road/State Route 68 (intersection 2)
- York Road/State Route 68 (intersection 5)
- Pasadera Drive-Boots Road/State Route 68 (intersection 6)
- Laureles Grade/State Route 68 (intersection 7)
- Blanco Road/State Route 68 (intersection 19)

Segments

- State Route 68 between Josselyn Canyon Road and Olmstead Road (segment 1)
- State Route 68 between Olmstead Road and State Route 218 (segment 2)
- State Route 68 between York Road and Pasadera Drive (segment 5)
- State Route 68 between Pasadera Drive and Laureles Grade Road (segment 6)
- State Route 68 between Laureles Grade Road and Corral de Tierra Road (segment 7)

C. Findings of Overriding Consideration:

The project would provide the following benefits to the public:

- i.** Construct bicycle/pedestrian trail from San Benancio Road to River Road along the south side of Highway 68.
- ii.** Improve approximately 1.3 miles of Highway 68 from two to four lanes and installing a new four way traffic signal at New Torrero. This would improve the commute time between Salinas and Monterey by 2.3 minutes.
- iii.** Provide parcel for a visitor center for the Ag Winery Corridor near the intersection of Highway 68 and River Road.
- iv.** The project would maintain 600 acres of the site in permanent open space and this area would continue to be used for cattle grazing.

D. Less Than Significant Impacts. Impacts that were found to be Less than Significant with Mitigation included: Aesthetics Resources; Air Quality; Biological Resources; Cultural Resources; Geology and Soils; Groundwater Resources and Hydrogeology; Surface Water Hydrology and Water Quality; Hazards and Hazardous Materials; Land Use, Population, and Housing; Public Services and Utilities; Noise; Transportation and Circulation; and Greenhouse Gases and Climate Change.

E. Alternatives.

The DEIR initially developed four alternatives. At the time of the preparation of the DEIR access to Highway 68 to not viewed in a favorable light by Caltrans. In addition there were constraints to going through the park. The alternatives presented in the DEIR were prepared

to address different access concepts and design concepts for development of the property. It was not intended the alternatives could only be used as presented, but were presented to allow consideration of a different range of alternatives without developing alternatives that each had sub alternatives relative to access. The CEQA process has been successful in this approach as it was able to produce an access point on Highway 68 that is acceptable to Caltrans and has resulted in the preparation of a fifth alternative that is the environmentally superior alternative. The proposed alternatives are briefly summarized below:

- i. Alternative 1 – No Project/No Development.
- ii. Alternative 2 – “Flatland” Subdivision Design. All development would be placed on the flatland areas of the site and eliminating development on the steeper slopes and hills. This would result in development of the Lupine Field, the Bull Field and other level portions of the site within the Critical Viewshed. This alternative would preclude the creation of a parcel for the wine oriented facility located on the mesa.
- iii. Alternative 3 – “Reduced Impact” Subdivision Design (ASP Version A and B). This alternative concept includes two versions of an alternate site plan (ASP) version A and B, which reconfigures the lots and the area(s) of potential development with the intent to avoid or reduce archaeological, biological, geological, and aesthetic impacts. This alternative reduces the size of the winery-related uses and adjusts the density and lot pattern across the project site. ASP Version A retains the primary site access proposal as the Vesting Tentative Map (through Toro Park), while ASP Version B proposes a new primary access point off State Route 68 (SR-68) known as “New Torero Drive”; the revised winery-related use (eastern portion) and adjusted density and lot pattern (western portion) are identical for both version A and B. Specific comparisons and detailed information about the differences between ASP A and B, can be found in Section 4.0 of the DEIR and RDEIR.
- iv. Alternative 4 – “Compact Footprint” Subdivision Design. This alternative concept reduces the development footprint of the western parcels by reducing the development of a portion of the custom homes (approximately 32 lots) and transferring that density to the development of clustered type homes in seven distinct “development nodes”. The clustered-type homes would be developed with more centralized points of access, in lieu of individualized driveways; common courtyards, open space areas and tot lots would also be included with this alternative to create consolidated neighborhoods. The eastern parcel would consist of a reduced density winery-related gateway/visitor-center (similar to Alternative 3) and integrate the residential units around the gateway/visitor center in a village type of setting, as another “development nodes”, again consisting of a central courtyard/plaza. This alternative also proposed a new site access concept, consisting of a grade-separated interchange located near the western boundary of property.
- v. Alternative 5 – “Reduced Impact/Reduced Unit County” Subdivision Design (with a second alternative for Parcel E designate “Parcel E Option B”). This alternative was included in the Recirculated Draft EIR (RDEIR) and further modifies and refines concepts included in Alternative 3. Important design considerations are:
 - i. Reduction in unit count (185 units; 168 market-rate units and 17 below market-rate units).

- ii. Reduction in Parcel D size (11.8 acres) and reduction in size of contemplated size and style of future facility.
- iii. Reconfiguration of lot sizes (reduction in size)
- iv. Increase open space by approximately 101 acres,
- v. Reduction in the overall area of potential development,
- vi. Signalized intersection on SR-68 (New Torrero) and widening of Highway 68.

The following chart summarizes the different anticipated impacts from each alternative when compared to the proposed project.

Comparison of Project Alternatives to the Proposed Project

| Environmental Category | Alternative 1 | Alternative 2 | Alternative 3 | Alternative 4 | Alternative 5 |
|---|-------------------------------|----------------------------------|--|---|--|
| | No Project/ No Development | “Flatland” Subdivision Design | “Reduced Impact” Subdivision Design (ASP Versions A and B) | “Compact Footprint” Subdivision Design | “Reduced Impact/Reduced Density” Subdivision Design |
| Aesthetics and Visual Sensitivity | Less | Greater | Less | Greater | Less |
| Air Quality | Less | Less | Slightly Less | Similar | Slightly Less |
| Biological Resources | Less | Slightly Less | Less | Less | Less |
| Cultural Resources | Less | Similar | Less | Less | Less |
| Geology and Soils | Less | Less | Similar | Greater | Slightly Less |
| Groundwater Resources and Hydrogeology | Less | Less | Slightly Less | Slightly Less | Less |
| Surface Water Hydrology and Water Quality | Less | Similar | Similar | Slightly Less | Similar/Slightly Less |
| Hazards and Hazardous Materials | Slightly Less | Slightly Greater | Similar | Similar | Similar |
| Land Use, Population, and Housing | Slightly Greater | Similar | Similar | Similar | Less |
| Public Services and Utilities | Less | Less | Similar (A)/ Less (B) | Less | Less |
| Noise | Slightly Less | Greater | Slightly Less/Similar | Slightly Greater | Slightly Less/Similar |
| Transportation and Circulation | Less | Slightly Less | Slightly Less | Slightly Less | Less |
| Greenhouse Gas/Climate Change | Less | Less | Slightly Less | Slightly Greater | Slightly Less |
| Consistency with Project Objectives | Less Consistent | Less Consistent | Consistent | Consistent | Consistent |

F. Environmentally Superior Alternative. CEQA Guidelines Section 15126.6(e)(2) requires that the environmentally superior alternative be identified; should that alternative be the “No Project/No Development” alternative, the EIR shall also identify an environmental superior alternative among other proposed alternatives. In this particular case, the Alternative 5

represents the environmentally superior alternative because it reduces project density and several areas of impact would be avoided or lessened from the proposed project; specially, impacts to biological, cultural, and aesthetic impacts, while providing for increased permanent open space by approximately 100 acres. Alternative 5 also provides for direct site access via intersection/highway improves, which avoids the transfer/take of public park land and fully avoids impacts to a biologically sensitive pond (Pond 18). Additionally, Alternative 5 would help further planned State Route 68 corridor improvements concurrent with project development. This alternative by reducing density from 212 units to 185 units, also reduces impacts on public services and utilities, and reduces traffic impacts by approximately 530 daily trips. For these reason, Alternative 5 is considered the “environmentally superior alternative.” Additional discussion this topic are contained in both the DEIR and RDEIR (Chapter 4.0).

G. Significant Site Constraints.

i. Access

Access to the site is limited due to geographical, biological, and cultural resources. The western portion of the site can potentially obtain access from only 3 points, off San Benancio Road, through Toro County Park, or directly from SR-68. The primary concern with obtain access through Toro County Park involve the placement of a road through the Critical Viewshed extending from Toro Park to the project along the frontage of Highway 68 (see 4.B.i – Aesthetic Resources above). Access from San Benancio is constrained to due potential impacts to a recorded Archaeological site, as well as potential impacts to the riparian area located adjacent to El Toro Creek; this area is also a crucial wildlife corridor linkage area. The third access option involves the development of direct access from SR-68, which is proposed under Alternative 3B and Alternative 5. This direct access point would require the potential development of an at-grade intersection and associate intersection and roadway improvements.

ii. Biological

i. *Endangered Species*

California Tiger Salamander

The project as proposed would result in the potential take of California Tiger Salamander, a federally and state-listed threatened species. One seasonal pond (Pond 18) located within the western portion of the project, is suitable for CTS breeding and has been documented to contain CTS. The lands surrounding Pond 18 provide adequate “upland habitat” for dispersal and aestivation of CTS. Under the proposed Vesting Tentative Map, the Ferrini Ranch entrance road would run adjacent to Pond 18, and the road shoulder would have a direct impact on the pond, and may result in fill being added to the pond. Additionally, proposed lots 81-85 and 92-136 are located a short distance away (2,200 feet), will place residential development within potential aestivation upland habitat.

Protocol level surveys were conducted in the vicinity of the Pond 18, between October 2007 and March 2008, (the appropriate “wet season”), which confirmed the presence of CTS; a total of 15 CTS were detected. Additional surveys were conducted during the 2012-2013 season, and reported one CTS within the project site near El Toro Creek/State Route 68.

Based on the design of the proposed project, and residential development pattern, the EIR identified potential direct impacts to CTS and its habitat, which would be considered potentially significant. Additionally, the project would result in potentially significant indirect impacts, without mitigation applied, due to the introduction of traffic, nighttime lighting, and potential introduction and harassment of predatory non-native species (domestic animals) within suitable breeding/aestivation habitat areas.

The EIR prepared for the project recommends 3 separate mitigation measures (MM 3.3-2a, 3.3-2b, and 3.3-2c) to address impacts to CTS. Specific information on these measures can be found in the DEIR, RDEIR, and the FEIR (response to comment letters B, RD-2).

Pacific Grove Clover

The project as proposed would result in potential impacts to Pacific Grove Clover (PGC), a state listed “rare” plant species and California Native Plant Society (CNPS) List 1-B species. Significant portions of the on-site population were found in drainages, which will be located within open space areas; however individual plants would be subject to construction and roadway related impacts. This impacts are discussed in the RDEIR (Chapter 3.0 – Biology). The EIR proposes mitigation (MM 3.3-1b) to reduce this impacts to a less than significant level through a combination of avoidance, protective measures, and restoration techniques. However, CDFW currently does not have a permitting mechanism to authorize the “take” of rare plants, but is considering amendments to the existing process. At the time of project development, the applicant will be responsible for obtaining approvals from CDFW relative to Pacific Grove Clover.

ii. Wildlife Corridors/ Riparian Areas

The project as originally proposed would result in the disturbance and construction activities in the immediate vicinity of the El Toro Creek/SR-68 undercrossing, a known wildlife corridor linkage and riparian area. This corridor is considered to be a significant route of passage for small and large mammals, amphibians, and reptiles. Proposed lots 1-15 (vesting tentative map) are located adjacent to this riparian area, near the El Toro Creek undercrossing, which could potentially discourage and inhibit the use of this critical habitat area, due to the placement of structures and construction related noise. While the noise impacts could be considered to be a temporary impact, the permanent placement of structures and on-going residential activities would be considered a potentially significant impact.

Alternative 5 reduces the size of Lots 1a, 15a, 16, 17, and 19 to allow additional open space adjacent to the El Toro Creek riparian/wildlife corridor area. These alternatives, therefore reduce the potential impacts to a less than significant level, and help preserve the critical habitat area adjacent to El Toro Creek. Additionally the EIR recommends 5 different mitigation measures (MM 3.3-8a, 3.3-8b, 3.3-8c, 3.3-8d, and 3.3-4a) to address potential impacts to the riparian area and wildlife corridor. Specific information on these measures can be found in the DEIR, RDEIR, and FEIR (response to comment letters B, 36, RD-2, and RD-12).

The critical decision point associated with the wildlife corridor is whether the design of Alternative 5 preserves a sufficient corridor from the El Toro Creek undercrossing across the project site to property to the south of the site into Toro Park and open land

beyond. Lot 15 is the location of the existing farm house and the mitigation recommended in the EIR would preclude placement of fencing around the site that would inhibit wildlife movement. In exchange for allowing the other lots to be placed along this area it may be beneficial to relocate lot 15 and require removal of the farmhouse.

iii. *Critical Viewshed*

There were many comments made in response to the DEIR and RDEIR about not wanting to see the development. There are proposed lots located along the tops of plateaus that will be visible. It may be beneficial to pull back the lots to minimize visibility, particularly related to lots 113-116, and lots 132-134. Conditions could be added to redesign these areas to reduce the visibility of homes at this location.

5. SUBDIVISION DESIGN

The proposed subdivision must demonstrate that it is consistent with the plans and policies in place, that the type of development proposed is suitable for the site, that the density is appropriate, and there is sufficient infrastructure to support the proposed development. The following discussion will identify how the project addresses these concerns.

A. Design.

i. Lot Design

As noted above the subject site is not currently zoned, but the likely zoning will be Low Density Residential. The Low Density Residential District establishes minimum lot size standards as: " *one acre unless otherwise approved as part of a clustered residential development*". Many of the proposed lots in the preferred alternative are less than one acre in area. This was done in order to minimize the development footprint on the site. The lots are located in areas on the site which have the least number of constraints including slopes and oak trees. Normally the concept of clustering would focus on smaller lots and perhaps even attached housing developments, but in this case the lots are located in areas which minimize resource conflicts. This could be considered consistent with the concept of clustering.

ii. Access and Circulation

Access to the subject site is extremely limited and this was a major struggle early in the processing of the application. From a traffic perspective the best solution is to obtain access in such a way that turning movements are minimized, safety is maintained and through traffic movements are not degraded or even improved. The project alternatives which include the signalized intersection with widening of Highway 68 address these issues.

The interior circulation of the site is a private road which will be 18 feet wide, and would only have one point of access into either the eastern or western parcel.

B. Site Suitability.

The subject site is designated for low density residential, so the style of development is consistent with the land use.

The addition of the VS zoning district overlay will provide regulations for the review of

development in those areas of the County in which such development could potentially create adverse visual impacts when viewed from a common public viewing area.

The D zoning district overlay provides for regulation of location, size, configuration, materials, and colors of structures and fences in areas of the County where design review of structures is appropriate to ensure protection of the public viewshed, neighborhood character, and to assure the visual integrity of certain developments without imposing undue restrictions on private property.

C. Water Supply.

MCC Section 19.10.070 requires that provisions 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 information in order to assess these conditions and obtain proof that there is a long term water supply with the project.

The project site is located within the jurisdiction of California Water Service Company (Cal Water). Potable water will be obtained from Cal Water.

D. Sewage Disposal.

MCC Sections 19.03.015.K, 19.07.020.J, and 19.10.075 require that provision shall be made for adequate sewage disposal.

Wastewater treatment service for this project would be provided by California Utilities Service, which has a sewer treatment plant located on Reservation Road in Salinas. California Utilities Service has a waste discharge permit issued by the Regional Water Quality Control Board (RWQCB). The permit allows California Utilities Service to treat, store, and discharge up to 300,000 gallons per day. In 2007, when this application was deemed complete, the average use was 220,000 gallons per day. Based on the average 250 gallon per day of wastewater generation rate for a single family dwelling and considering the nine single family residences in the nearby Oaks Subdivision, the facility has the capacity to accommodate approximately 311 additional single-family residences.

E. Easements.

The subdivision and improvements will not conflict with easements. No easements exist on the project site.

F. Affordable/Inclusionary Housing.

The proposed subdivision project was reviewed according to the 2003 Housing Ordinance (No. 04185) as these were the regulations in effect at the time the application was deemed complete. This ordinance requires residential development to construct inclusionary units in an amount equal to or greater than twenty percent (20%) of the total number of units approved. That 20% of required inclusionary housing is further divided into household income levels to provide 8% moderate income units, 6% low income units and 6% very low income units. The ordinance includes a provision for in-lieu fees, if the development site qualifies, for which a developer could elect to pay in-lieu fees on a per unit basis. To qualify, the developer must demonstrate that the site lacks certain characteristics needed to accommodate affordable housing, such as lack of access to services, zoning which required large lot development, or potentially high site maintenance costs.

The originally proposed project would create a total unit count of 212 units, of which 42 units are proposed to be affordable housing. The proposed affordable housing would all be dedicated to moderate income, meaning the proposal would not include housing for low or very low income households. Of the proposed alternatives, Alternative 3 would maintain the 212 proposed units, 42 of them affordable housing. Alternative 1 would result in no project and no requirement. Alternative 2 & 4 only gave a range of units without specifying any proposed affordable housing. Alternative 5 reduces the total amount of units to 185, 17 of the units to be affordable housing. Mathematically, this does not sufficiently meet the required affordable housing (37 units). If Alternative 5 is recommended for approval, the developer will have to demonstrate how only 17 units can be accommodated by the subdivision to qualify for payment of in-lieu fees for the remaining 20 units.

The site lacks access to services such as medical offices and grocery stores. The closest hub is Salinas, approximately 4.3 miles northeast of the site. Monterey-Salinas Transit does provide public transportation, however it has been noted by TAMC that the future of the transit line is bleak and current service is not frequent. Due to the location of the site and lack of dependable public transportation, the project could qualify for payment of in-lieu fees as opposed to the development of inclusionary housing. Payment of in-lieu fees will be calculated based on the Administrative Manual in effect at the time the application was deemed complete, which is the 2003 Administrative Manual. This Manual requires a payment of \$37,727 per unit, meaning the total in-lieu fees for Alternative 5 would be \$734,540. The in-lieu fees would be required as a condition of approval and payment would need to be fulfilled prior to recordation of the final map.

G. Park Dedication Requirements

Title 19 of the Monterey County Code requires certain dedications as part of a subdivision; this authority is granted by the Subdivision Map Act. This section, similar to the housing ordinance, requires a portion of the subdivided land be dedicated for park and recreational facilities and also includes provisions for payment of in-lieu fees. Determination of the in-lieu payment differs from the housing ordinance. The fee in-lieu of parkland dedication is based upon the estimated fair market value of the unimproved land being subdivided and the estimated fair market value of the land which would otherwise be required to be dedicated. In the event the a subdivision tentative map is approved, a condition of approval will be placed on the project to require all in-lieu fees to be paid prior to the recordation of the final map pursuant to Section 19.12.010G of Monterey County Code. This section also allows a credit for improvements and private open space. Any recreational improvements or private open space will be credited against the payment of fees, however this does not include common open space areas, dedicated scenic easements, dedicated hiking/riding trails, nor passive space recreational uses.

The proposed subdivision project would result in several hundred acres to be zoned open space/permanent grazing, and additionally scenic and conservation easements. According to the Recreational Requirements in Section 19.12, this does not count towards dedication of park and recreational facilities; therefore the project would be subject to in-lieu fees. The nature of this subdivision is to be subordinate to the topography, existing grazing activities, and natural environment that currently exist on the land. Staff recommends that passive open space and scenic/conservation easements are the more appropriate choice than dedication of, and development of, recreational facilities.

6. USE PERMIT -- TREE REMOVAL

The project, as primarily or alternatively designed and proposed, could result in the removal of up to 921 coast live oak trees and associated oak woodland habitat. The trees would be removed during construction based on the approximate limits of grading for construction of roads, driveways, and building pads (based on a high removal estimate). However, the final number of trees to be removed cannot be determined until final site plans for all lots are prepared. Also, the final tree removal count may vary somewhat due to realignment of roadways and placement building envelopes, which could result in removal of fewer trees. The number of trees is a worst- case scenario, based on the original project, and approximately 46 fewer trees could potentially be removed under the alternatives. The project forester estimated the number of trees to be removed through field surveys using the vesting tentative map and project site plans.

According to biological reports prepared for the project, approximately 49 percent of the project site contains oak woodlands and/or oak savanna. These areas are dominated by open to nearly closed canopies of coast live oak trees. According to the Forest Management Plan and Supplemental Forester's Report prepared for the project by Staub Forestry and Environmental Consulting in September 2006 and March 2010, respectively, approximately 24 acres are classified as having dense canopies and approximately 412 acres are classified as having moderate canopies. The project site also contains scattered California buckeye, valley oak, and western sycamore, as well as willows, black cottonwoods, and madrones. Oak woodlands are provided special protection under Section 21083.4 of the Public Resources Code and local policies that address SB 1334.

Per Toro Area Plan Policy 7.2.3, removal of healthy (oak) trees with diameters in excess of eight inches is discouraged to promote the preservation of oak trees. In addition, per Monterey County Code (MCC, Title 21, Zoning Ordinance), Section 21.64.260, removal of three or more oak trees in a one-year period (six inches or more in diameter two feet above ground level) in the Toro Area Plan area requires a Forest Management Plan and approval of a Use Permit by the Monterey County Planning Commission. The Forest Management Plan estimates that within the coast live oak woodland habitat on the project site there are approximately 29,300 native oak trees with diameters (at breast height) greater than 6 inches. Therefore, removal of 921 oak trees would represent approximately 3.2 percent of the total trees currently estimated on the project site. Furthermore, the Forest Management Plan identified that approximately 20 to 25 percent of the trees estimated to be removed are suffering from extensive decay, breakage, and/or low vigor. It also identified that no trees with diameters greater than 24 inches at breast height (i.e., landmark trees) would be removed with implementation of careful construction methods and roadway design modifications. As proposed, the largest blocks of continuous forest cover would be preserved, yet limited fragmentation of forest resources would occur with development of the proposed project.

The Environmental Impact Report (EIR) prepared for the project identified the loss of oak woodland habitat and removal of 921 oak trees as a significant impact (Impact 3.3-6), and recommended two mitigation measures necessary to reduce this impact to a level of less than significant. Implementation of the mitigation measures would ensure that removal of coast live oak trees is kept to the minimum necessary for development, trees are replanted after construction, and that remaining trees are protected during construction activities.

Mitigation Measure 3.3-6a would require the following: 1) field verification and modification of construction plans to preserve as many healthy trees as possible and to minimize impacts on trees

to be retained; 2) implementation of forester design and construction recommendations regarding roadways, trails, utilities, and individual building envelopes; 3) on-site replanting at a 1:1 ratio, and ongoing maintenance and monitoring for a period of seven years; and 4) contribution of funds to the Oak Woodlands Conservation Fund, as established under subdivision (a) of Section 1363 of the Fish and Game Code. The Forest Management Plan recommended a 1:1 replacement ratio because the grassland habitat on the project site is considered to be at least as ecologically valuable as the oak woodland habitats. Therefore, replanting of coast live oaks at a 1:1 ratio is recommended on the project site to ensure there is no excessive loss of grassland habitat. Mitigation Measure 3.3-6b would require the use of protective fencing along the driplines of individual oak trees or oak tree groups to keep construction activities and materials away from the protected trees.

Implementation of the above mitigation measures would require preparation of site-specific tree removal and replacement plans prior to issuance of grading permits to ensure the loss of oak woodlands and individual coast live oak trees is minimized and that removed trees are replanted. In addition, the project site contains oak woodland habitat that may provide roosting habitat for special-status species of bats, such as the pallid bat. Removal of mature oak trees would directly impact special-status bats if present at the time of removal, and removal of the oak woodland habitat would indirectly impact special-status bats by reducing the amount of available habitat, which would also be considered a potentially significant impact. The EIR recommended Mitigation Measure 3.3-3a to reduce the impact on roosting habitat for special-status bats to a less than significant level. This mitigation measure would require preconstruction surveys for potential bat roost sites within 100 feet of the area of site disturbance by a qualified biologist prior to removal or disturbance of oak trees.

As stated above, the tree removal would accommodate the subdivision improvements (i.e., grading for construction of roads and installation of utility infrastructure) and development of individual lots (i.e., driveways and building pads) within the subdivision, with removal split almost evenly between the two. The proposed subdivision design and alternatives, based on use of the most open areas for access and lots, has kept tree removal to a minimum. This is evidenced by the relatively small number of trees proposed for removal given the scope of the project. The open space parcels would also preserve a large percentage of the remaining trees. Overall, the proposed project has been designed to minimize tree removal as much as possible. However, tree removal would occur to accommodate the proposed development so that other impacts would also be minimized or avoided (e.g.; visual, biological, archaeological, etc.).

While County policies and regulations require minimization of protected tree removal, design of the project to avoid all or most tree removal would not necessarily better achieve the goals and objectives of the MCC with regard to other impacts identified above. Based on review of the applicable technical reports and project design(s), as well as MCC requirements, staff proposes two options for Planning Commission consideration with regard to tree removal.

Option A: Approve tree removal for the subdivision improvements only, and require each lot owner to obtain a separate tree removal permit for development of the building site. Option A would limit the initial tree removal, but would also fragment implementation of mitigation measures for tree removal impacts for the entire project. County staff would then have to deal with the developer as well as numerous property owners to ensure minimization of removal and replanting.

Option B: Approve tree removal for both the subdivision improvements and the building sites. Option B would allow staff to deal directly with the developer regarding implementation of the mitigation measures, and would ensure completion of preconstruction surveys and replanting as the phased subdivision improvements are constructed.

Therefore, staff recommends the Planning Commission pursue Option B with regard to tree removal.

7. USE PERMIT DEVELOPMENT ON SLOPE EXCEEDING 30 PERCENT

The proposed project would involve grading activities on slopes greater than 30 percent; therefore, the project includes a Use Permit. The development would primarily include access roads and subdivision infrastructure. The scope of this Use Permit would not include any of the proposed home lots/building sites.

The 1982 Monterey County General Plan includes policy to prohibit development on slope greater than 30 percent unless findings can be made that there is no feasible alternative or the project, as proposed, better achieves the resource protection objectives and policies of the General Plan and the applicable Toro Area Plan.

GP Policy 26.1.10 The County shall prohibit development on slopes greater than 30%. It is the general policy of the County to require dedication of scenic easement on a slope of 30% or greater. Upon application, an exception to allow development on slopes of 30% or greater may be granted at a noticed public hearing by the approving authority for discretionary permits or by the Planning Commission for building and grading permits. The exception may be granted if one or both of the following findings are made, based upon substantial evidence:

- a) there is no alternative which would allow development to occur on slopes of less than 30%; or,*
- b) the proposed development better achieves the resource protection objectives and policies contained in the Monterey County General Plan, accompanying Area Plans and Land Use Plans, and all applicable master plans.*

According to the Toro Area Plan, geologic hazards such as landslides and erosion susceptibility at the project site are considered high. This is in part due to approximately 45 percent of the project site having slopes greater than 30 percent (see **Figures 3.5-5a** and **3.5-5b** of the project Environmental Impact Report [EIR]). For this project, as designed, the steeper slope areas, including slopes over 30%, are primarily located within the open space parcels.

Development on slopes exceeding 30 percent may be approved if it better achieves the goals and objectives of the Monterey County General Plan, or if there is no other feasible alternative. The development on slopes exceeding 30 percent would accommodate the subdivision improvements (i.e., grading for construction of roads and installation of utility infrastructure). The lots are primarily located in areas where the slope is less than 30 percent. This has minimized development on slopes over 30 percent. Alternative 2 of the Draft EIR identified that the slopes could be avoided by locating development on lower flat areas of the site (e.g.; Bull Field, Lupin Field, and areas within the critical viewshed). The choice is protecting the visually sensitive locations as opposed to allowing some encroachment onto slopes exceeding 30 percent. The General Plan prohibits building pads in the critical viewshed, while allowing an exception to be

made for development on slopes exceeding 30 percent. The policy guidance would encourage the development on slopes rather than in the flat areas within the critical viewshed. This would seem to satisfy the policy requirements that development on 30 percent slopes better achieves the resource protection objectives contained in the General Plan. There is no possible way to design a circulation system for the project without crossing slopes exceeding 30 percent. The site is characterized by hills and steep slope, with scattered areas that are less than 30 percent slope. To develop a road system, these areas of 30 percent or greater slope must be crossed. This is particularly true given the limited access locations for the property. It is not possible to put development on the site outside of the critical viewshed without encroachment onto slopes exceeding 30 percent. The question becomes whether what the project proposes is a necessary amount of encroachment. Overall, the proposed project has been designed to minimize development on slope while meeting the project objectives.

8. GENERAL PLAN AMENDMENT/REZONE

The request for the tentative map does not require a General Plan Amendment or rezone. The applicant's request for a GPA/Rezone is to facilitate the creation of a parcel for a winery on Parcel D at the eastern end of the project. A consistency issue with this is that the project would change the land use and zoning on this parcel to Agricultural/Industrial. This would not normally be a land use found in the middle of a parcel designated for Low Density Residential. The intent would be for a winery which is an agricultural use and the surrounding land would primarily continue to be used for grazing.

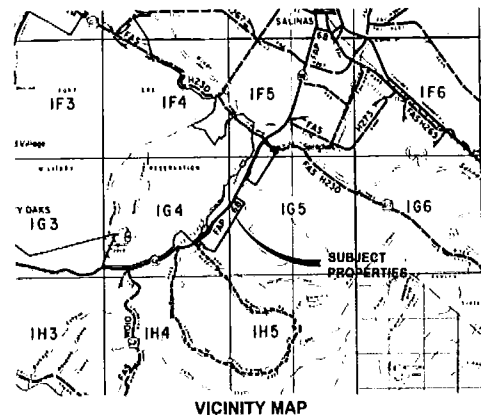
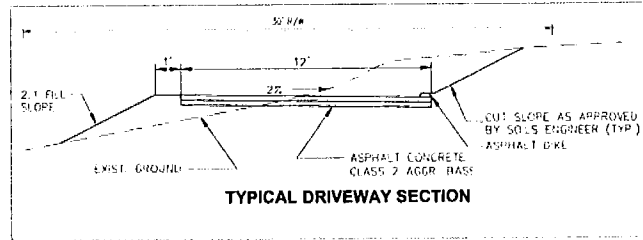
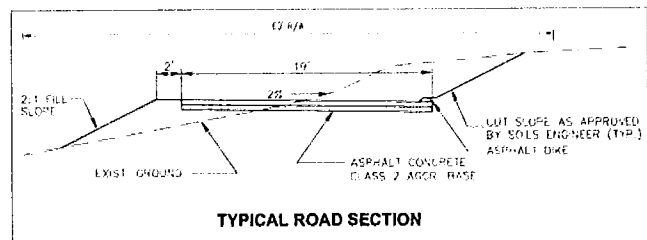
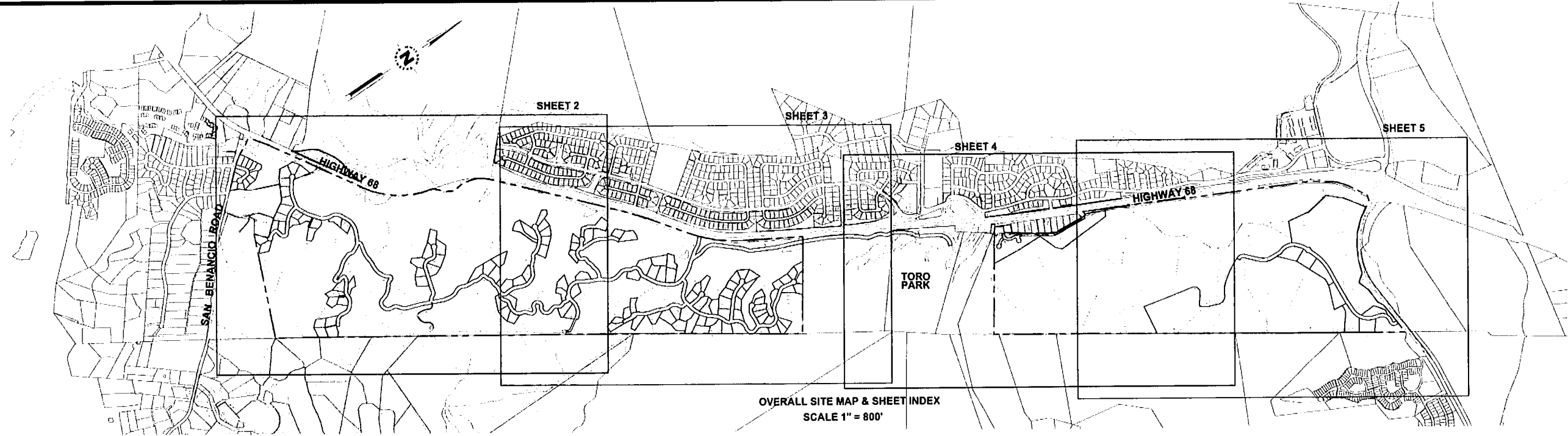
Alternative 5 proposes a winery corridor/Gateway visitor center on Parcel D. The 2010 Monterey County General Plan in the Agricultural Winery Corridor Plan section 3.1H encourages development of a visitor center near Highway 68. The subject site at this location is within the Ag/Winery Corridor established by the 2010 General Plan. The placement of a Visitor Center at this location would not require modification to the Land Use, so no General Plan Amendment is necessary. The Low Density Residential Zoning District would allow this use as a Public/Quasi Public use subject to approval of a Use Permit.

If the Planning Commission is inclined to recommend approval of alternative 5, or some derivation of that, then the General Plan Amendment and Rezone are not needed and the appropriate Planning Commission action would be to recommend denial. Unless the Planning Commission is inclined to want to see encourage a winery production facility at this location, the appropriate recommendation to the Board would be denial of the GPA/Rezone.

9. STAFF RECOMMENDATION

This report has been written to identify the major points of consideration associated with this project. Staff has not prepared a formal recommendation for the Planning Commission, but instead hopes that the information contained in this staff report can frame the Planning Commission's consideration of this project and allow the Planning Commission to give staff direction on what action the Planning Commission intends to take. Staff recommends that the Planning Commission give direction on the following:

1. Policy consistency of the Project.
2. Adequacy of the FEIR
3. Project Design recommendations



PROJECT TEAM

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NOTES

SUBDIVIDER'S STATEMENT

A. EXISTING ZONING: LDR/2.43-VS AND LDR/7B-VS
PROPOSED USES OF THE LAND: RESIDENTIAL SUBDIVISION, AGRICULTURAL/INDUSTRIAL, INCLUSIONARY HOUSING, AND OPEN SPACE.

B. EROSION CONTROL: SHALL BE IN ACCORDANCE WITH MONTEREY COUNTY EROSION CONTROL ORDINANCES AND REGULATIONS, AND IN CONFORMANCE WITH AN APPROVED LANDSCAPING PLAN.

C. WATER SUPPLY: CALIFORNIA WATER SERVICE COMPANY
SEWAGE DISPOSAL: CALIFORNIA UTILITIES SERVICE
ELECTRIC SERVICE: PACIFIC GAS AND ELECTRIC
GAS SERVICE: PACIFIC GAS AND ELECTRIC
TELEPHONE SERVICE: SBC

D. TREE PLANTING: SHALL BE AS SHOWN ON AN APPROVED LANDSCAPING PLAN. TREE REMOVAL: APPROXIMATELY _____ TREES TO BE REMOVED. (LESS THAN _____ OF OAKS ON PROPERTY)

E. PUBLIC AREAS TO BE DEDICATED: NONE
SCenic EASEMENT PROPOSED ON PARCELS A, B & C
COMMON AREAS PROPOSED: PARCELS A, B & C. THE COMMON AREAS SHALL BE PRIVATELY MAINTAINED BY OWNERS' ASSOCIATION(S), UNDER THE PROVISIONS OF COVENANTS, CONDITIONS AND RESTRICTIONS.

F. MAXIMUM HEIGHT: NOT TO EXCEED COUNTY ZONING LIMITS. LOWER HEIGHT LIMITS WILL BE DETERMINED ON CERTAIN LOTS PRIOR TO FINAL MAP RECOGNITION, WHERE REQUIRED FOR VIEWSHED PROTECTION.

G. PROPOSED TYPE OF DEVELOPMENT: RESIDENTIAL SUBDIVISION. RESIDENTIAL PARCELS WILL BE SOLD AS LOTS, WITHOUT HOMES. INCLUSIONARY LOTS WILL BE SOLD AS FULLY DEVELOPED UNITS.

GENERAL NOTES

1. AP # 161-011-019 & 030 & 039 & 057 & 058 & 059 & 078 & 161-031-016 & 017

2. THE SIZE, LOCATION AND TYPE OF ALL UTILITIES SHOWN HEREON ARE APPROXIMATE ONLY. THE SIZE OF WATER TANKS IS TO BE BASED ON REQUIRED FLOW AS DETERMINED BY THE FIRE OFFICE.

3. EXISTING OVERHEAD UTILITIES SHALL REMAIN. NEW UTILITIES SHALL BE PLACED UNDERGROUND.

4. TYPICAL ROAD WIDTHS AS SHOWN. ROADS MAY BE NARROWED TO MINIMUM COUNTY STANDARDS TO PRESERVE TREES AND REDUCE IMPACTS.

5. DIVIDED ROADS WILL BE UTILIZED AS APPROPRIATE TO PRESERVE TREES.

6. PROJECT PHASING:

PHASE 1: LOTS 1-12, PARCEL E, LOT 146
PHASE 2: LOTS 15-136
PHASE 3: LOTS 48-85
PHASE 4: LOTS 13-47, 135-145

PHASING MAY BE REVISED WITH APPROVAL OF MONTEREY COUNTY.

PROJECT DATA

| PROJECT SUMMARY | AREA (AC) | % OF GROSS AREA |
|---|-------------|------------------|
| COMMON AREAS | | |
| PARCEL A | 385.2 | 44.3 % |
| PARCEL B | 211.3 | 24.5 % |
| PARCEL C | 3.0 | 0.4 % |
| SUBTOTAL | 600.4 | 69.0 % |
| RESIDENTIAL LOTS 1-146 | 178.1 | 20.5 % |
| PARCEL D | 14.7 | 4.0 % |
| PARCEL E | 13.4 | 1.5 % |
| ROAD PARCELS | 43.1 | 5.0 % |
| SUBTOTAL | 269.3 | 31.0 % |
| TOTAL GROSS AREA IN SUBDIVISION | 869.7 ACRES | 100.0 % |
| LOT SUMMARY | | |
| NUMBER OF RESIDENTIAL LOTS | | 146 |
| LOT SIZES | | 78 TO 7.85 ACRES |
| AVERAGE LOT SIZE | | 1.22 ACRES |
| CLUSTERED HOUSING (MARKET RATE) | | 73 |
| TOTAL MARKET RATE LOTS & UNITS | | 169 |
| INCLUSIONARY HOUSING (25%) | | 43 UNITS |
| MAXIMUM ALLOWABLE NUMBER OF RESIDENTS PER SLOPE DENSITY FORMULA | | 388 |

LEGEND

- PROPERTY BOUNDARY
- EXISTING ELEVATION CONTOUR
- EXISTING DIRT ROAD
- NEW LOT LINE
- EASEMENT
- ROADWAY PAVEMENT
- STORM DRAIN
- EXISTING STORM DRAIN
- WATER MAIN
- WATER LINE
- RECLAIMED WATER LINE
- SANITARY SEWER
- JOINT UTILITY TRENCH
- TRAIL
- ROAD & UTILITY EASEMENT
- FIRE HYDRANT
- CATCH BASIN
- PRESSURE REDUCING STATION
- SLOPE OF ROAD &/OR SANITARY SEWER
- UTILITY POLE
- FEMA ZONE A INUNDATION LIMITS



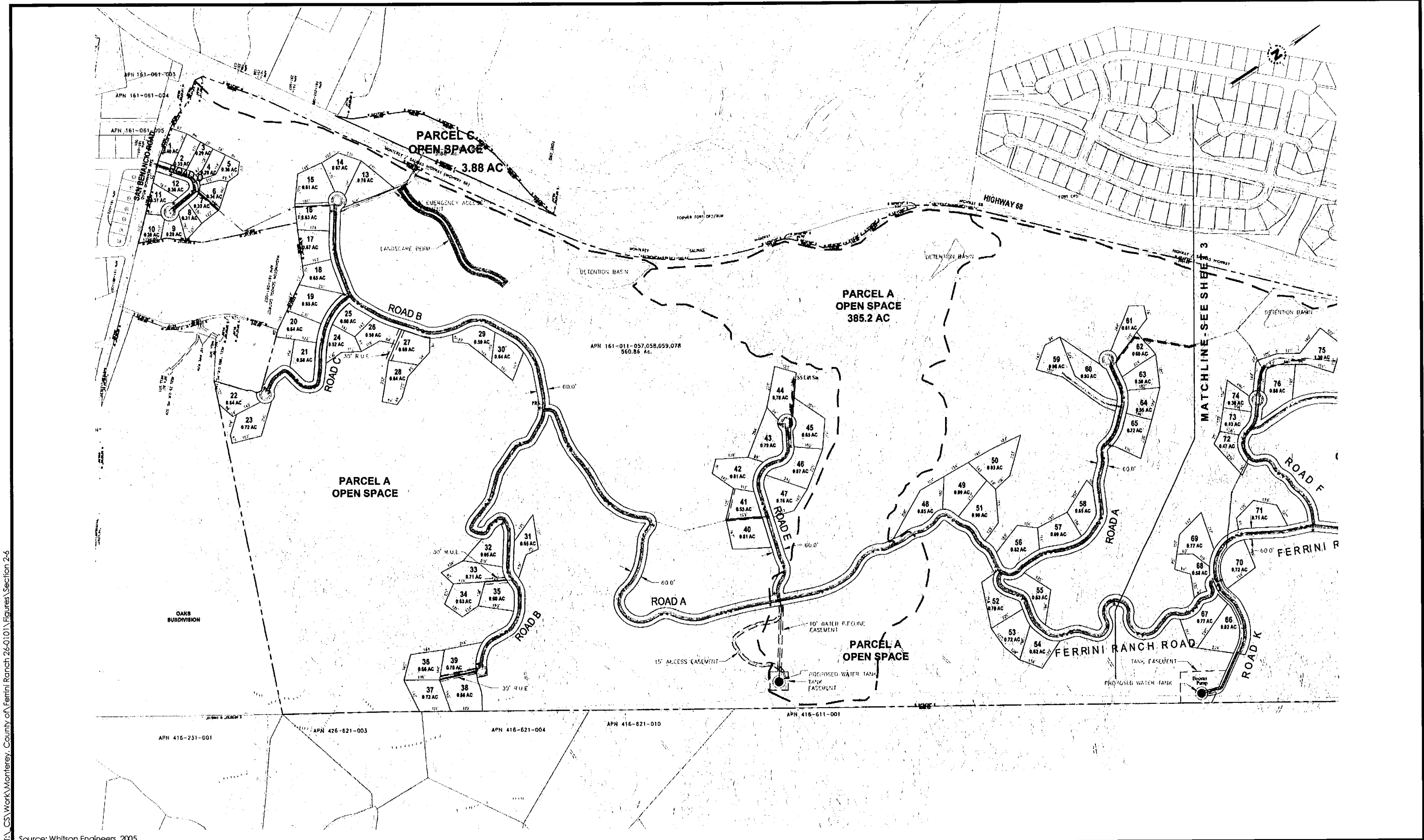
T:_CS\Work\Monterey County of Ferris Ranch\Figures\Section 2-5\Figure 2-5a Vesting Tentative Map.apr, April 2007, April 2007

Source: Whitsen Engineers, 2005

Not to Scale



FIGURE 2-5A
VESTING TENTATIVE MAP
PMC



I:\CS\Work\Monterey County\Ferrini Ranch 26-0101\Figures\Section 2-5

Source: Whitson Engineers, 2005

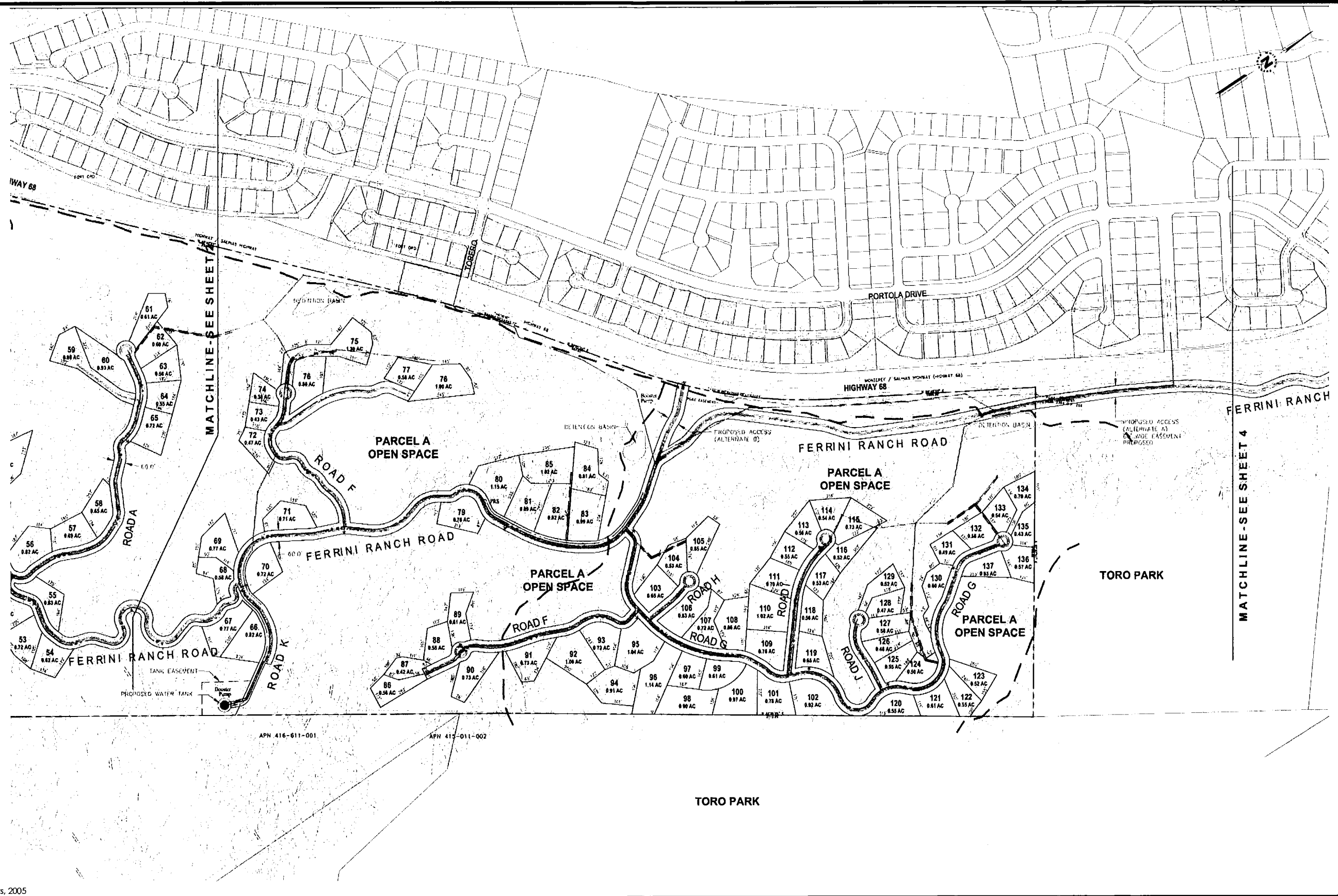
NOT TO SCALE



FIGURE 2-5B
VESTING TENTATIVE MAP - WESTERN PARCEL
PMC®

T:\CS\Work\Monterey County\Ferrini Ranch\Figures\Section 2-5\Figure 2-5c Vesting Tentative Map.apr. April 2007

Source: Whitson Engineers, 2005



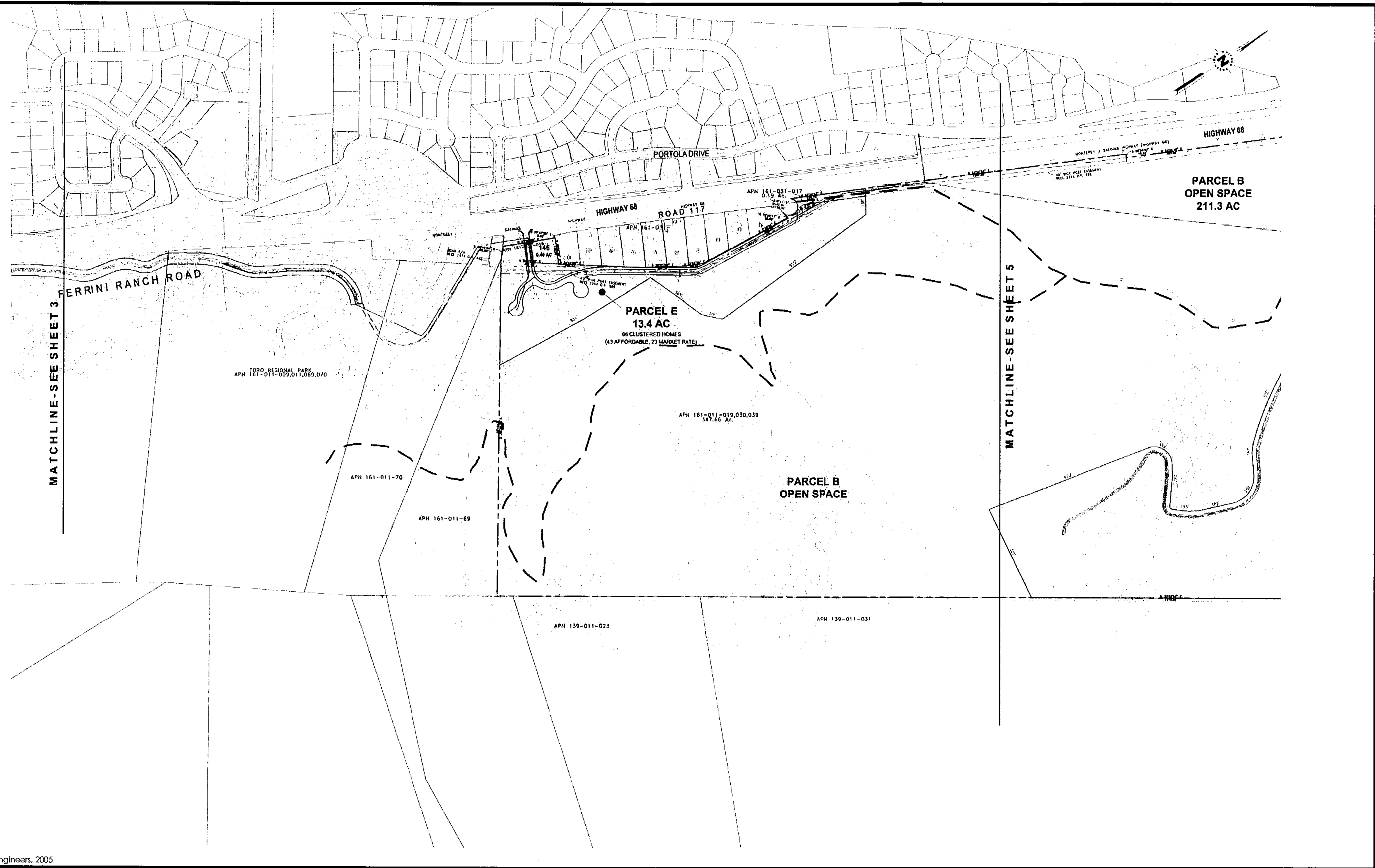
NOT TO SCALE



FIGURE 2-5C
VESTING TENTATIVE MAP - WESTERN PARCEL
PMC®

T:\CS\Work\Monterey County\Ferrini Ranch\Figures\Section 2-5\Figure 2-5d Vesting Tentative Map.apr, April 2007

Source: Whitson Engineers, 2005



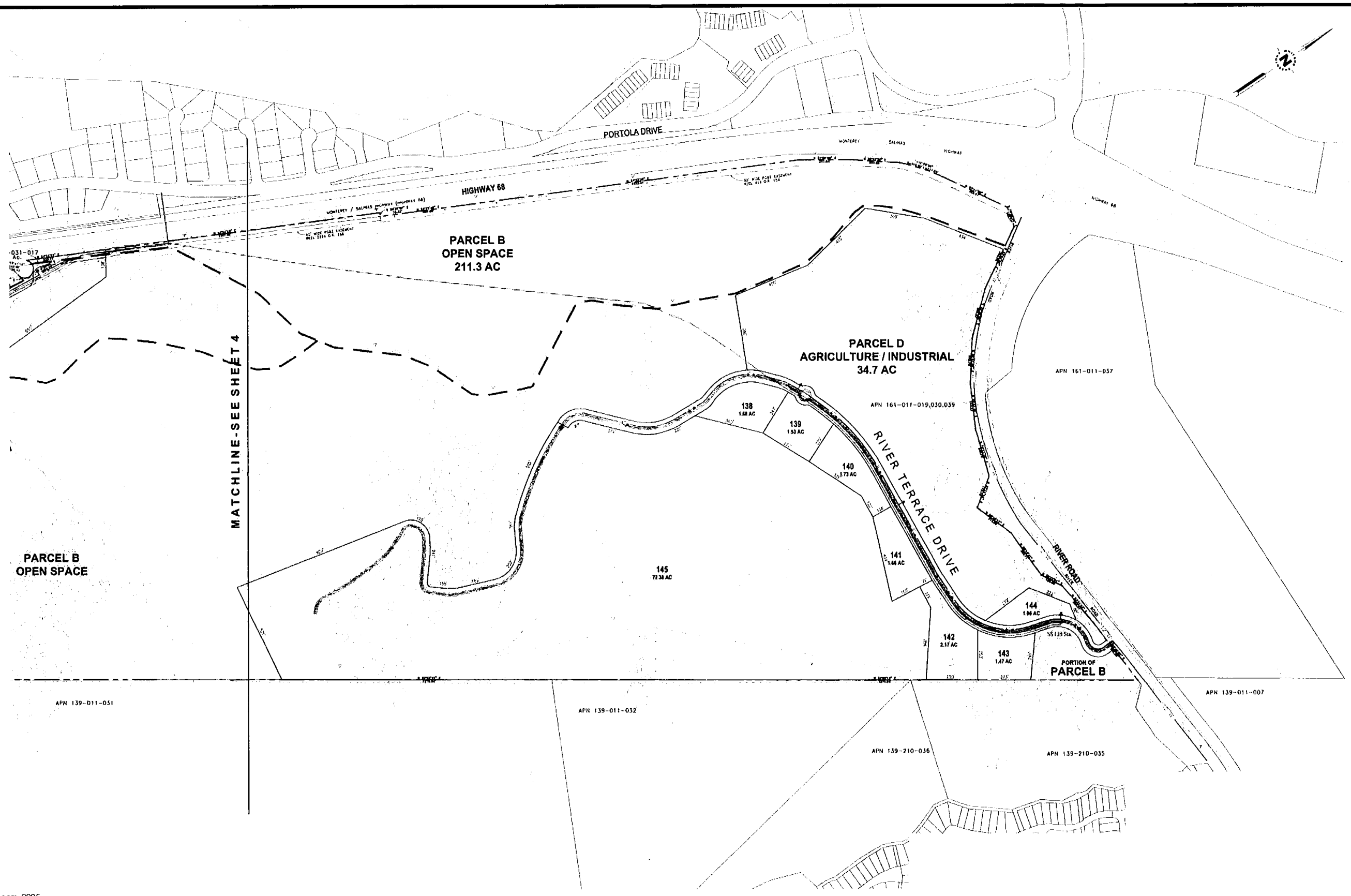
NOT TO SCALE



FIGURE 2-5D
VESTING TENTATIVE MAP - EASTERN PARCEL
PMC®

T:\CS\Work\Monterey, County of\Ferrini Ranch\Figures\Section 2-5\Figure 2-5e Vesting Tentative Map.dwg, April, 2007

Source: Whilson Engineers, 2005



NOT TO SCALE



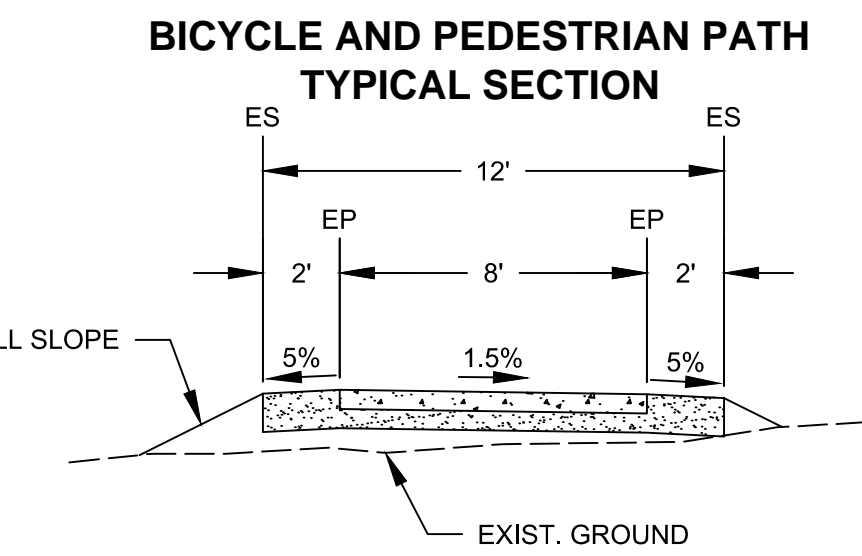
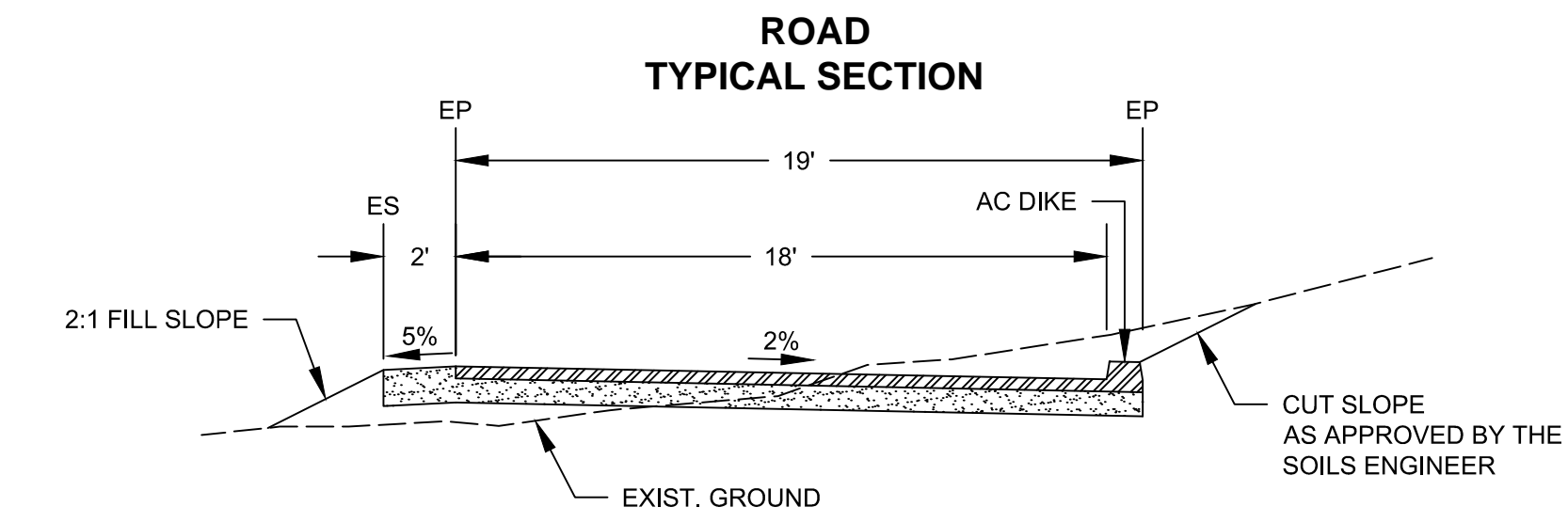
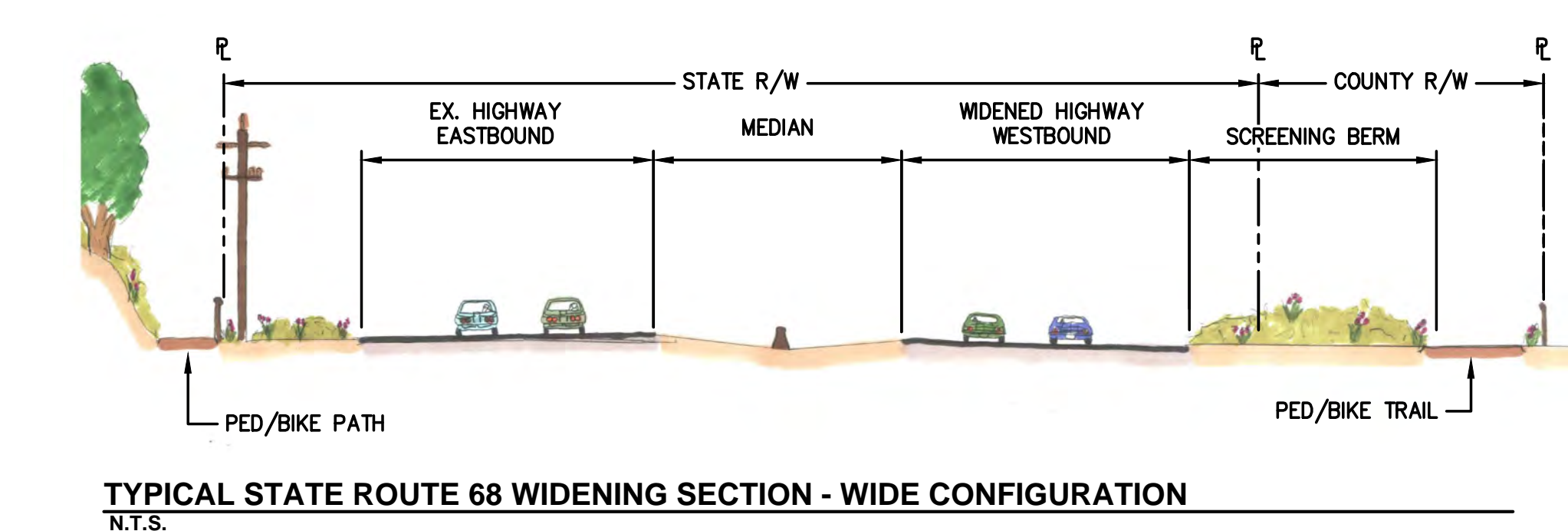
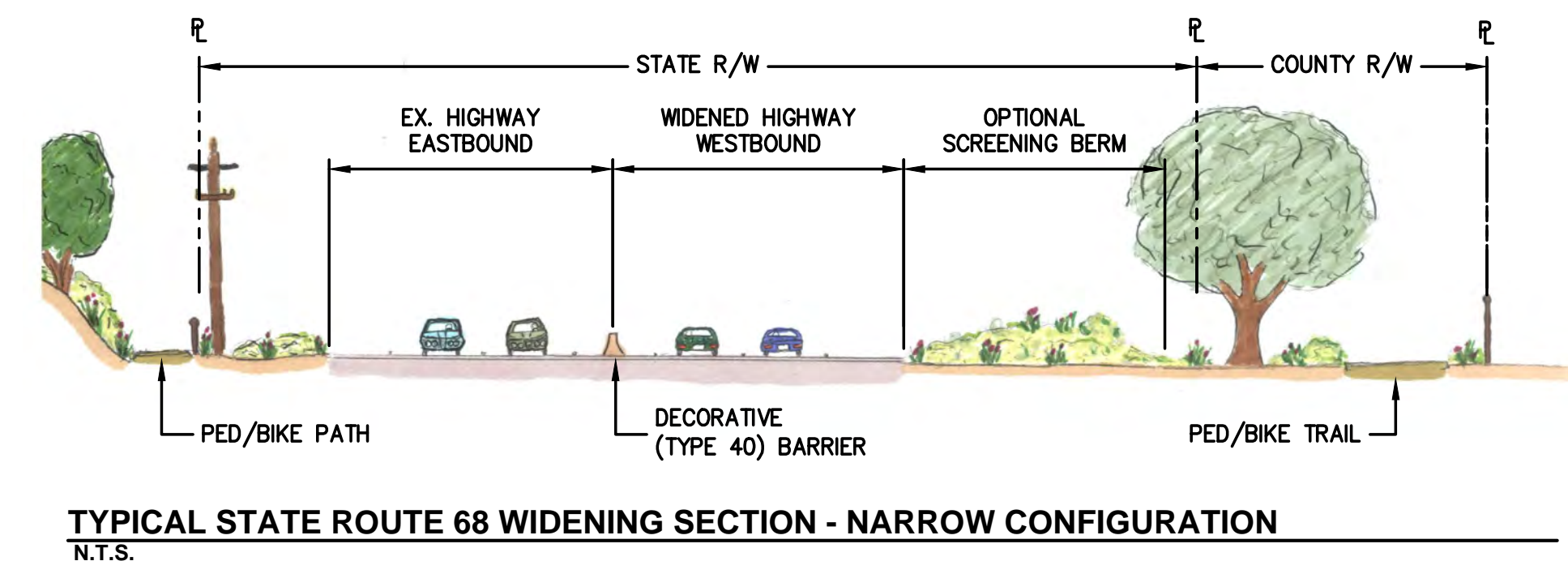
FIGURE 2-5E
VESTING TENTATIVE MAP - EASTERN PARCEL
PMC



LEGEND

- DEVELOPMENT PARCELS (104.50 AC)
- OPEN SPACE PARCELS (380 AC)
- ROAD RIGHT-OF-WAY (36.40 AC)
- BICYCLE & PEDESTRIAN PATH
- EASEMENT (AS NOTED)

SCALE: 1" = 200'



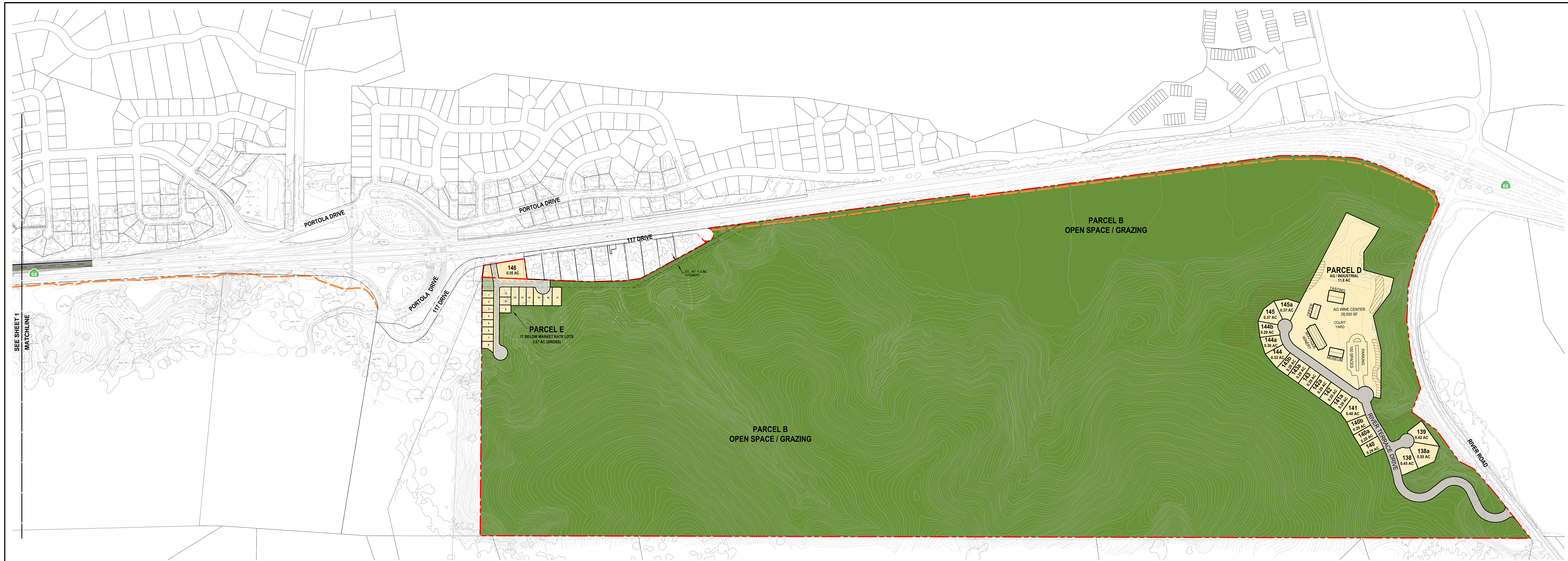
LOT SUMMARY

| | WEST | EAST | TOTAL |
|------------------------|------------|-----------|------------|
| MARKET RATE LOTS | 149 | 19 | 168 |
| BELOW MARKET RATE LOTS | --- | 17 | 17 |
| TOTAL LOTS | 149 | 36 | 185 |

**ALTERNATE SITE PLAN - #5
FERRINI RANCH**

PROPOSED SUBDIVISION IN
MONTEREY COUNTY, CALIFORNIA

WHITSON ENGINEERS
9699 Blue Larkspur Lane • Suite 105 • Monterey, CA 93940
831 649-5225 • Fax 831 373-5065
CIVIL ENGINEERING • LAND SURVEYING • PROJECT MANAGEMENT



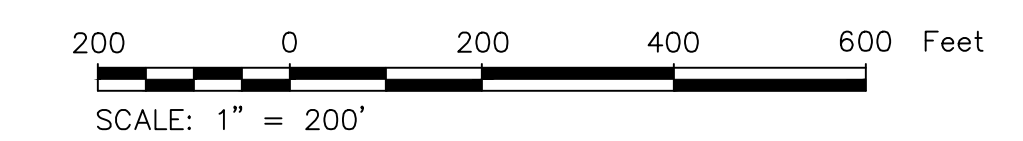
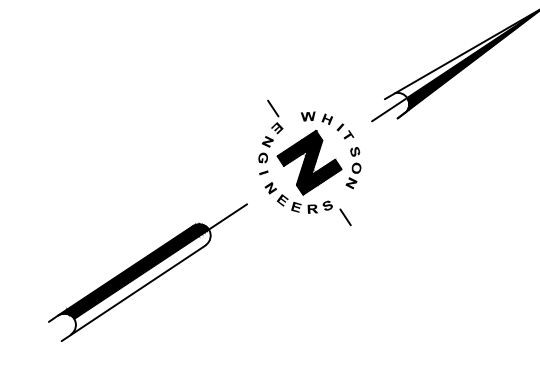
SEE SHEET 1
MATCHLINE

LOT SUMMARY

| | WEST | EAST | TOTAL |
|-------------------------|------------|-----------|------------|
| MARKET RATE LOTS | 149 | 19 | 168 |
| BELOW MARKET RATE UNITS | --- | 17 | 17 |
| TOTAL UNITS | 149 | 36 | 185 |

LEGEND

- DEVELOPMENT PARCELS (22.0 AC)
- OPEN SPACE PARCELS (323.0 AC)
- ROAD RIGHT-OF-WAY (4.5 AC)
- BICYCLE & PEDESTIAN PATH
- EASEMENT (AS NOTED)
- GRADED BERM FOR VISIBILITY



**ALTERNATE SITE PLAN - #5
FERRINI RANCH**

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WE WHITSON ENGINEERS
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JULY 18, 2013

SHEET 2 OF 2