

County of Monterey
 State of California
NEGATIVE DECLARATION

FILED

SEP 07 2011

STEPHEN L. VAGNINI
 MONTEREY COUNTY CLERK
 DEPUTY

Project Title:	York Highlands Combined Development Permit
File Number:	PLN100020
Owner:	Banker's Development Group LLC; Carmel Development Company; York Highlands LLC
Project Location:	South of the intersection of Highway 68 and York Road, Salinas (Greater Monterey Peninsula Area Plan)
Primary APN:	259-241-001-000; 259-241-004-000 259-092-072-000; 259-092-075-000; 259-191-023-000; 259-191-024-000 259-211-016-000; 259-231-016-000; 259-231-017-000; 259-231-018-000; 259-231-019-000; 259-231-020-000; 259-231-021-000; 259-231-022-000; 259-231-023-000; 259-231-024-000; 259-231-025-000; 259-231-026-000; 259-231-028-000; 259-251-001-000; 259-251-002-000; 259-251-003-000; 259-251-004-000; 259-251-005-000; 259-251-006-000; 259-251-007-000; 259-251-008-000; 259-251-009-000; 259-251-010-000; 259-251-011-000; 259-251-012-000; 259-251-013-000; 259-251-014-000; and 259-251-015-000 (Note: Listed APNs are a combination of lots of record, Scenic Easement and/or Open Space parcels and roads)
Project Planner:	Delinda Robinson, Senior Planner
Permit Type:	Combined Development Permit
Project Description:	<p>Combined Development Permit consisting of:</p> <ol style="list-style-type: none"> 1. Vesting Tentative Map for the re-subdivision of Monterra Ranch Final Map Phases 6, 8 & 10 consisting of the reconfiguration of 24 residential lots (Phase 6: Adj Lot 44 Remainder; Phase 8: Lots 164 - 171; Phase 10: Lots 5-10, 117 -122, Ranch Lots 1, 3 and 4), 3 open space parcels (Phase 8: Parcels A, B & C), 1 scenic easement parcel (Phase 10, Parcel H), and 3 road and utility parcels (Phase 6: Parcel R2; Phase 8: Parcel L; Phase 10: Parcel M); 2. Use Permit for tree removal for subdivision improvements only (not for building envelopes); 3. Administrative Permit for grading of less than 131,100 cubic yards (70,500 cubic yards cut and 60,600 cubic yards fill) in a Visually Sensitive District; and 4. Use Permit for development on slopes greater than 25 percent.

THIS PROPOSED PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AS IT HAS BEEN FOUND:

- a) That said project will not have the potential to significantly degrade the quality of the environment.
- b) That said project will have no significant impact on long-term environmental goals.

- c) That said project will have no significant cumulative effect upon the environment.
- d) That said project will not cause substantial adverse effects on human beings, either directly or indirectly.

Decision Making Body:	Monterey County Planning Commission and the Board of Supervisors (for General Plan Amendment portion)
Responsible Agency:	County of Monterey
Review Period Begins:	September 8, 2011
Review Period Ends:	September 27, 2011

Further information, including a copy of the application and Initial Study are available at the RMA-Monterey County Planning Department, 168 West Alisal St, 2nd Floor, Salinas, CA 93901 (831) 755-5025

MONTEREY COUNTY

RESOURCE MANAGEMENT AGENCY – PLANNING DEPARTMENT
168 WEST ALISAL, 2ND FLOOR, SALINAS, CA 93901
(831) 755-5025 FAX: (831) 757-9516



NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION MONTEREY COUNTY PLANNING COMMISSION

NOTICE IS HEREBY GIVEN that the Monterey County Resource Management Agency – Planning Department has prepared a draft Negative Declaration, pursuant to the requirements of CEQA, for a Combined Development Permit (York Highlands Combined Development Permit, File Number PLN100020) located south of the intersection of Highway 68 and York Road, Salinas (in the Greater Monterey Peninsula Area Plan), APNs 259-241-001-000; 259-241-004-000 259-092-072-000; 259-092-075-000; 259-191-023-000; 259-191-024-000 259-211-016-000; 259-231-016-000; 259-231-017-000; 259-231-018-000; 259-231-019-000; 259-231-020-000; 259-231-021-000; 259-231-022-000; 259-231-023-000; 259-231-024-000; 259-231-025-000; 259-231-026-000; 259-231-028-000; 259-251-001-000; 259-251-002-000; 259-251-003-000; 259-251-004-000; 259-251-005-000; 259-251-006-000; 259-251-007-000; 259-251-008-000; 259-251-009-000; 259-251-010-000; 259-251-011-000; 259-251-012-000; 259-251-013-000; 259-251-014-000; and 259-251-015-000 (Note: Listed APNs are a combination of lots of record, Scenic Easement and/or Open Space parcels and roads).

The Negative Declaration and Initial Study, as well as referenced documents, are available for review at the Monterey County Resource Management Agency – Planning Department, 168 West Alisal, 2nd Floor, Salinas, California. The Planning Commission will consider this proposal at a meeting on September 28, 2011 at a time to be determined in the Monterey County Board of Supervisors Chambers, 168 West Alisal, 2nd Floor, Salinas, California. The Board of Supervisors will consider the General Plan Amendment portion of the proposal, following the Planning Commission consideration of the project, at a date to be determined. Written comments on this Negative Declaration will be accepted from September 8, 2011 to September 27, 2011. Comments can also be made during the public hearing.

Project Description: Combined Development Permit consisting of:

1. Vesting Tentative Map for the re-subdivision of Monterra Ranch Final Map Phases 6, 8 & 10 consisting of the reconfiguration of 24 residential lots (Phase 6: Lot 44 Remainder; Phase 8: Lots 164 - 171; Phase 10: Lots 5-10, 117 -122, Ranch Lots 1, 3 and 4), 3 open space parcels (Phase 8: Parcels A, B & C), 1 scenic easement parcel (Phase 10, Parcel H), and 3 road and utility parcels (Phase 6: Parcel R2; Phase 8: Parcel L; Phase 10: Parcel M);
2. Use Permit for tree removal for subdivision improvements only (not for building envelopes);
3. Administrative Permit for grading of less than 131,100 cubic yards (70,500 cubic yards cut and 60,600 cubic yards fill) in a Visually Sensitive District;
4. Use Permit for development on slopes greater than 25 percent;
5. General Plan Amendment for portion of Parcel H currently designated as Public Quasi-Public and Urban Reserve in the Greater Monterey Peninsula Land Use Plan (General Plan) to Rural Density Residential, 10 acres per unit and Urban Reserve.

We welcome your comments during the 20-day public review period. You may submit your comments in hard copy to the name and address above. The Department also accepts comments via e-mail or facsimile but requests that you follow these instructions to ensure that the Department has received your comments. To submit your comments by e-mail, please send a complete document including all attachments to:

CEQAcomments@co.monterey.ca.us

An e-mailed document should contain the name of the person or entity submitting the comments and contact information such as phone number, mailing address and/or e-mail address and include any and all attachments referenced in the e-mail. To ensure a complete and accurate record, we request that you also provide a follow-up hard copy to the name and address listed above. If you do not wish to send a follow-up hard copy, then please send a second e-mail requesting confirmation of receipt of comments with enough information to confirm that the entire document was received. If you do not receive e-mail confirmation of receipt of comments, then please submit a hard copy of your comments to ensure inclusion in the environmental record or contact the Department to ensure the Department has received your comments.

Facsimile (fax) copies will be accepted with a cover page describing the extent (e.g. number of pages) being transmitted. A faxed document must contain a signature and all attachments referenced therein. Faxed document should be sent to the contact noted above at **(831) 757-9516**. To ensure a complete and accurate record, we request that you also provide a follow-up hard copy to the name and address listed above. If you do not wish to send a follow-up hard copy, then please contact the Department to confirm that the entire document was received.

For reviewing agencies: The Resource Management Agency – Planning Department requests that you review the enclosed materials and provide any appropriate comments related to your agency's area of responsibility. The space below may be used to indicate that your agency has no comments or to state brief comments. In compliance with Section 15097 of the CEQA Guidelines, please provide a draft mitigation monitoring or reporting program for mitigation measures proposed by your agency. This program should include specific performance objectives for mitigation measures identified (CEQA Section 21081.6(c)). Also inform this Department if a fee needs to be collected in order to fund the mitigation monitoring or reporting by your agency and how that language should be incorporated into the mitigation measure.

All written comments on the Initial Study should be addressed to:

County of Monterey
Resource Management Agency – Planning Department
Attn: Mike Novo, Director of Planning
168 West Alisal, 2nd Floor
Salinas, CA 93901

Re: York Highlands Combined Development Permit; File Number PLN100020

From: Agency Name: _____
Contact Person: _____
Phone Number: _____

- ___ No Comments provided
- ___ Comments noted below
- ___ Comments provided in separate letter

COMMENTS: _____

DISTRIBUTION

1. County Clerk's Office
2. Canada Woods Water Company, LLC
3. Monterey Bay Unified Air Pollution Control District
4. City of Monterey
5. Monterey Peninsula Unified School District
6. Monterey County Regional Fire Protection District
7. Monterey County Water Resources Agency
8. Monterey County Public Works Department
9. Monterey County Parks Department
10. Monterey County Division of Environmental Health
11. Monterey County Sheriff's Office
12. Bankers Development Group, Owner
13. Alan Williams, Agent
14. Jacqueline M. Zischke, Attorney at Law, Agent
15. Property Owners within 300 feet (Notice of Intent only)
16. Henry Brown, Monterra Ranch Homeowner's Association
17. Michael Stamp, Attorney at Law, Interested Party

MONTEREY COUNTY

RESOURCE MANAGEMENT AGENCY

PLANNING DEPARTMENT

168 WEST ALISAL ST., 2nd FLOOR, SALINAS, CA 93901

PHONE: (831) 755-5025 FAX: (831) 757-9516



INITIAL STUDY/ NEGATIVE DECLARATION

I. BACKGROUND INFORMATION

Project Title: York Highlands Combined Development Permit

File No.: PLN100020

Project Location: South of the intersection of Highway 68 and York Road, Salinas (Greater Monterey Peninsula Area Plan)

Name of Property Owner: Banker's Development Group LLC; Carmel Development Company; York Highlands LLC

Name of Applicant: Banker's Development Group LLC; Carmel Development Company; York Highlands LLC

Assessor's Parcel Number(s): 259-241-001-000; 259-241-004-000 259-092-072-000; 259-092-075-000; 259-191-023-000; 259-191-024-000 259-211-016-000; 259-231-016-000; 259-231-017-000; 259-231-018-000; 259-231-019-000; 259-231-020-000; 259-231-021-000; 259-231-022-000; 259-231-023-000; 259-231-024-000; 259-231-025-000; 259-231-026-000; 259-231-028-000; 259-251-001-000; 259-251-002-000; 259-251-003-000; 259-251-004-000; 259-251-005-000; 259-251-006-000; 259-251-007-000; 259-251-008-000; 259-251-009-000; 259-251-010-000; 259-251-011-000; 259-251-012-000; 259-251-013-000; 259-251-014-000; and 259-251-015-000

(Note: Listed APNs are a combination of lots of record, Scenic Easement and/or Open Space parcels and roads)

Acreage of Property: Approximately 900 acres

General Plan Designation: Residential, Public Quasi Public

Zoning District: RDR/10-UR-D and RDR/10-UR-VS

Lead Agency: Monterey County RMA- Planning Department

Prepared By: Nadia Amador, David Mack and Craig Spencer, Associate Planners

Date Prepared: September 6, 2011

Contact Person: Delinda Robinson, Senior Planner

Phone Number: (831) 755-5198

II. DESCRIPTION OF PROJECT AND ENVIRONMENTAL SETTING

A. Description of Project:

Overview-

The York Highlands Vesting Tentative Map (hereinafter referred as *York Highlands*) involves the merging of portions of recorded but undeveloped Phases 6, 8 and 10 of the Monterra Ranch Subdivision and the approval of a new subdivision with new lots, building envelopes, roads and scenic easements. The project also includes a General Plan Amendment to change the General Plan Designation of a portion of the property (*Parcel H*) currently designated Public Quasi-Public to Rural Density Residential, 10 acres per unit. The entire project area is approximately 900 acres. The project will not result in the creation of additional lots, but involves the merger and re-subdivision of 24 existing lots.

The table below identifies the existing residential lots which are part of the York Highlands re-subdivision in association with the final map that created them:

<i>Monterra Ranch Phase/Tract Number:</i>	<i>Original Lot #s filed:</i>	<i>Recorder's File Number/Date of Filing:</i>
Phase 6; Tract 1419 (Source: IX. 4)	Lot 44	Cities and Towns, Vol. 22, Page 56; June 16, 2004
Phase 8; Tract 1450 (Source: IX. 5)	164, 165, 166, 167, 168, 169, 170, 171;	Cities and Towns, Vol. 23, Page 14; September 14, 2005
Phase 10; Tract 1452 (Source: IX. 6)	Lots 5, 6, 7, 8, 9, 10, 117, 118, 119, 120, 121, and 122, Ranch Lot 1, 3 and 4.	Cities and Towns, Vol. 23, Page 16; December 1, 2005

York Highlands uses a different design concept than Phase 10 and Phase 8 of Monterra Ranch. The design of Phase 8 (Lots 164-171) and Phase 10 (Lots 5-10 and Lots 117-122) include clusters of smaller lots. This design was done to concentrate the impacts of development to a limited area leaving larger open space parcels intact to preserve the existing natural habitat areas. This resulted in the lots on Phase 10 being concentrated within an oak woodland which results in significant tree removal in that location to implement the recorded map. This is balanced by the remainder of Monterra Ranch being set aside as open space. York Highlands will use a different approach to subdividing this property through the use of larger lots with building envelopes placed in natural clearings. The areas around the building envelopes within the individual lots will be retained in scenic and conservation easements to protect the existing natural habitat. The lot pattern is designed off a road network which follows existing jeep trails and ranch roads.

The proposal would reduce grading and tree removal primarily by the reduction in roadway improvements and placing building envelopes in areas with the least amount of oak tree and/or grading impacts. Grading would be minimized by approximately 20,000 cubic yards (IX. 12) and the impacts to oak woodland habitat would decrease by approximately 20 acres (IX. 12) in comparison to implementing the existing recorded maps.

General Plan Amendment- The General Plan Amendment is required because the merger and re-subdivision would involve the placement of lots on a portion of current *Parcel H* that has a General Plan Designation of Public Quasi-Public (see Source X. 2). The PQP Land Use Designation is used to identify the locations for schools, parks, regional parks, public works facilities and hospitals that serve the Public at Large (2010 General Plan Policy LU-6.1). At this time it is not understood why this portion of the property was designated for PQP, but the record indicates that the PQP was designated when the Greater Monterey Peninsula Area Plan was adopted in 1984. The original tentative map for Monterra Ranch showed this area to be used for an equestrian center and a recreational center. The land use of this area would be changed to Rural Density Residential, 10 acres per unit, with an Urban Reserve General Plan Designation Overlay, consistent with the surrounding land use. The Zoning on the property does not need to be modified as the existing zoning is Rural Density Residential at 10 acres per unit.

County entitlements- The proposed York Highlands Vesting Tentative Map requires the following entitlements from the County of Monterey:

Combined Development Permit consisting of:

1. Vesting Tentative Map for the re-subdivision of Monterra Ranch Final Map Phases 6, 8 & 10 consisting of the reconfiguration of 24 residential lots (Phase 6: Adj Lot 44 Remainder; Phase 8: Lots 164 - 171; Phase 10: Lots 5-10, 117 - 122, Ranch Lots 1, 3 and 4), 3 open space parcels (Phase 8: Parcels A, B & C), 1 scenic easement parcel (Phase 10, Parcel H), and 3 road and utility parcels (Phase 6: Parcel R2; Phase 8: Parcel L; Phase 10: Parcel M);
2. Use Permit for tree removal for subdivision improvements only (not for building envelopes);
3. Administrative Permit for grading of less than 131,100 cubic yards (70,500 cubic yards cut and 60,600 cubic yards fill) in a Visually Sensitive District;
4. Use Permit for development on slopes greater than 25 percent;

Prior CEQA Findings and focus of Initial Study-

The Monterey County Board of Supervisors (Board) certified the Monterra Ranch Subdivision Environmental Impact Report (EIR) No. 84-007 (IX.2) and approved the Monterra Ranch Standard Subdivision Tentative Map on October 6, 1987 by Resolution No. 87-527 (IX. 3).

This Initial Study tiers from the Certified Monterra Ranch Subdivision EIR. The baseline for this project must consider that there are existing lots of record which can currently be built upon. The application will not add to the number of lots that currently exist. The subdivision will redistribute lots onto *Parcel H* which was to be the location of a recreation center and equestrian center. These uses will no longer be a component of this project. This is a net reduction in development density. The Initial Study will examine the environmental impacts from the perspective of the identified baseline. In addition, York Highlands is subject to the policies of the 2010 Monterey County General Plan which has been adopted since approval of the Monterra Ranch project.

The EIR identified the increase of traffic resulting from the Monterra Ranch Subdivision as an *unavoidable significant adverse impact*. The Board found six project benefits which outweighed the project's unavoidable significant adverse traffic impacts. Therefore, the Monterra Ranch Subdivision was approved with *Statements of Overriding Consideration*.

One overriding consideration was the project's careful placement of building sites resulting in no visibility of development from State Highway 68 or Carmel Valley Road (IX. 3, Exhibit B, *Statement of Overriding Consideration for Monterra Ranch Subdivision*, Item 5). This statement was based on an assurance made at a Board hearing by the developer's architect/planner, Mr. Holm (IX. 4, Exhibit A, Board Order, page 3) that no units would be seen from State Highway 68. The EIR did not assume that no units would be visible but understood that units would be inconspicuous. The EIR also recommended design measures, which included that development along ridge lines would not silhouette against the skyline. The applicant for York Highlands is requesting to allow some visibility from State Highway 68 for proposed Lots 2, 6 and 44. See Section VI. 1. *Aesthetics* and Section VI. 10 *Land Use and Planning* for a detailed discussion.

B. Surrounding Land Uses and Environmental Setting:

The project site involves approximately 900 acres of land within the gated community of Monterra Ranch, located along the south side of State Highway 68 between Olmsted Road and York Road. The project site is zoned residential and is within the Greater Monterey Peninsula Area Plan of the County of Monterey. The site also has an Urban Reserve Zoning Overlay, given its close proximity to the City of Monterey. Thus, development review must consider impacts on the City of Monterey.

The site consists of relatively steep to rolling terrain of undeveloped land. Major vegetation communities include: grassland, mixed coastal scrub and oak woodlands and savanna. The site is comprised of northeast-facing slopes above a small, northwest-flowing contributory drainage (IX. 13) to Canyon Del Rey, south of the intersection of State Highway 68 and York Road in Monterey County. The site is currently accessed from the northwestern gate to Monterra Ranch, located off State Highway 68 or via existing roads within the Monterra Ranch Subdivision. The project will construct an entrance opposite of York Road (off of State Highway 68) which was considered and approved as part of the Monterra Ranch approval.

The site borders Ryan Ranch and Laguna Seca Ranch (located to the north), Hidden Hills residential subdivision (located to the east) Tehama residential subdivision (located to the south) and Jacks Peak Regional Park (located to the west). The Monterey Peninsula Airport does not

immediately border the site but it is located approximately 3 miles northwesterly from the project site.

C. Other public agencies whose approval is required: (e.g. permits, financing approval, or participation agreement)

Caltrans- The applicant is required to obtain encroachment permits from the California Department of Transportation (Caltrans) for encroachment off of York Road onto State Highway 68.

III. PROJECT CONSISTENCY WITH OTHER APPLICABLE LOCAL AND STATE PLANS AND MANDATED LAWS

Use the list below to indicate plans applicable to the project and verify their consistency or non-consistency with project implementation.

General Plan/Area Plan	<input checked="" type="checkbox"/>	Air Quality Mgmt. Plan	<input checked="" type="checkbox"/>
Specific Plan	<input type="checkbox"/>	Airport Land Use Plans	<input checked="" type="checkbox"/>
Water Quality Control Plan	<input type="checkbox"/>	Local Coastal Program-LUP	<input type="checkbox"/>

General Plan/Area Plan. The proposed project was reviewed for consistency with the 2010 Monterey County General Plan. Section IV.10 (Land Use and Planning) discusses whether the project physically divides an established community; conflicts with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project or conflicts with any applicable habitat conservation plan or natural community conservation plan (Source: IX.8). The Greater Monterey Peninsula Area Plan includes policies to protect the scenic nature of the viewshed along State Highway 68. These policies are discussed in more detail below in Section VI.1 Aesthetics. The proposed project would redistribute the same number of lots on the subject site. The redistribution of the lots will include placing lots over a portion of the property with a General Plan Land Use Designation of Public Quasi-Public and Urban Reserve. It is unknown exactly why this land use designation exists here. This area has a Zoning Designation of Rural Density Residential, 10 acres per unit and Urban Reserve. The proposed project includes a General Plan Amendment that will change the General Plan Land Use Designation of the subject area from Public Quasi-Public and Urban Reserve to Rural Density Residential, 10 acres per unit and Urban Reserve. There is not a public need to maintain this PQP Land Use on the subject site and it is not known why this land use designation was put in place. Modifying the Land Use Designation will be consistent with the surrounding land use designation. Therefore, the proposed project is consistent with the General Plan Land Use Designation. **CONSISTENT**

2008 Air Quality Management Plan for the Monterey Bay Region (AQMP). Consistency of a residential project is determined by comparing the project population at the year of project completion with the population forecast for the appropriate five year increment that is listed in the AQMP. If the population increase resulting from the project would not cause the estimated

cumulative population to exceed the relevant forecast, the project would be consistent with the population forecasts in the AQMP. Therefore, the project will be consistent with the AQMP.
CONSISTENT

Comprehensive Land Use Plan for Monterey Peninsula Airport. The project site is within the sphere of influence of the Monterey Peninsula Airport (Plan). The Plan intends to safeguard the general welfare of the residents within the sphere of influence and to assure the safety of air navigation and specifically it seeks to protect the public from the adverse effects of aircraft noise. The subject site is not within the following areas which would determine a Primary Planning Area within the sphere of influence: a building restriction area, such as a *clear zone* and/or *extended safety area*, an *imaginary surface area* or directly under a flight path or area within the 65 CNEL (Community Noise Equivalent Levels). However, the Certified EIR for Monterra Ranch did find the subject site to have noise levels of less than 55 Ldn (daylight equivalent noise levels) caused by various aircraft operations such as engine runoff before take off, landings and takeoffs. Therefore, the Monterra Subdivision Tentative Map was approved subject to an Avigation Easement condition. The Avigation Easement instrument has been recorded (Monterey County Recorder's Office, Reel 2461, Page 1084, January 19, 1990) for Monterra Ranch Properties. Pursuant to the recordation of the Avigation Easement, the project is consistent with the Comprehensive Land Use Plan for Monterey Peninsula Airport.
CONSISTENT

IV. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED AND DETERMINATION

A. FACTORS

The environmental factors checked below would be potentially affected by this project, as discussed within the checklist on the following pages.

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forest Resources | <input checked="" type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Geology/Soils |
| <input checked="" type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards/Hazardous Materials | <input checked="" type="checkbox"/> Hydrology/Water Quality |
| <input checked="" type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Mineral Resources | <input checked="" type="checkbox"/> Noise |
| <input type="checkbox"/> Population/Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation/Traffic | <input type="checkbox"/> Utilities/Service Systems | <input checked="" type="checkbox"/> Mandatory Findings of Significance |

Some proposed applications that are not exempt from CEQA review may have little or no potential for adverse environmental impact related to most of the topics in the Environmental Checklist; and/or potential impacts may involve only a few limited subject areas. These types of

projects are generally minor in scope, located in a non-sensitive environment, and are easily identifiable and without public controversy. For the environmental issue areas where there is no potential for significant environmental impact (and not checked above), the following finding can be made using the project description, environmental setting, or other information as supporting evidence.

Check here if this finding is not applicable

FINDING: For the above referenced topics that are not checked off, there is no potential for significant environmental impact to occur from either construction, operation or maintenance of the proposed project and no further discussion in the Environmental Checklist is necessary.

EVIDENCE:

- 1) Aesthetics. See Section VI.1
- 2) Agriculture and Forest Resources. The project site is not designated as Prime, Unique or Farmland of Statewide or Local Importance and the proposed project would not result in conversion of prime agricultural lands to non-agricultural uses. The site is not under a Williamson Act Contract. The project will not result in the loss of forest land or conversion of forest land into non-forest land, nor conflict with existing zoning or cause rezoning of forest land or timberland to a non-forest use. The project will not change the existing residential zoning of the property (Source: II and IX. 1, 2, 3, 7, 8, 10). Therefore, the project will have no impacts to agricultural or forest resources.
- 3) Air Quality. The impacts to Air Quality for the York Highlands re-subdivision are within and under the thresholds of the Certified Monterra Ranch Subdivision EIR 84-007. When compared to the existing approved final maps (portions of Phase 6, 8 and 10), the York Highlands re-subdivision does not include any new development, does not result in additional traffic trips, has no effect on the population forecasts of the Air Quality Management Plan (AQMP), does not change (i.e. increase) the results of air quality, odors or construction related emissions. Furthermore, the grading impacts for York Highlands are significantly reduced by approximately 20,000 cubic yards. Any future development on specific lots of record will be subject to separate discretionary review (Source: II and IX.1,2,3,5,6,7,10,11,12). Therefore, the proposed project would have no impact to Air Quality.
- 4) Biological Resources. See Section VI. 4
- 5) Cultural Resources. See Section VI.5
- 6) Geology and Soils. See Section VI. 6
- 7) Green House Gas Emissions. See Section VI. 7

- 8) Hazards and Hazardous Materials. See Section VI. 8 (No Impact discussion)
- 9) Hydrology and Water Quality. See Section VI. 9
- 10) Land Use/Planning. See Section VI. 10
- 11) Mineral Resources. The project site does not contain a mineral resource of value to the region, the residents of the state or is the site a locally important mineral recovery site delineated on a local general plan, specific plan nor other land use plan. Therefore, the project will have no impact to mineral resources (Source: II and IX. 1,2,3,8)
12. Noise. See Section VI. 12
13. Population and Housing. The project does not affect population or housing. It does not destroy any housing or affect the population anticipated in a previously approved final map. The project re-subdivides an existing approved final map into the same number of lots in a different configuration. No residential development has occurred on the existing lots of record, and lot specific residential development is not included in the proposed project. (Source: II and IX.1,2,3,8)
14. Public Service. There would be no increase in need for emergency service as a result of reconfiguring the lots. Accessibility of the lots to and by the public agencies would be improved by locating the lots in a different configuration and constructing the previously approved access gate located at the York Road/State Route-68 intersection. (Source: II and IX.1,2,3,8)
15. Recreation. The project does not create any additional need for recreation facilities nor does it disturb any existing facilities. (Source: II and IX.1,2,3,8)
16. Transportation. No new lots are being created so there would be no increase in potential traffic beyond what was anticipated and evaluated in the previously certified Environmental Impact Report (EIR) for the Monterra Subdivision. Access for the area would remain as approved, located at the York Road/State Route-68 intersection, and will not increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). The York Road/State Route-68 intersection will require the same level of improvements as documented and approved in the conditions of approval and mitigations measures of the previously approved EIR for Monterra Subdivision (EIR# 84-007/Resolution #87-527). Prior mitigation measures require:
 - Construction of approach lanes on Highway 68 for the east entrance (York Road) to separate right and left turn traffic, including a left turn pocket on Highway 68 with adequate deceleration lane” (MM No. 71);
 - That road designs and construction meet current horizontal and vertical standards unless excessive grading and environmental impacts would result, in which case a

determination of roadway segments to be exempt from current standards, if any, shall be made prior to recordation of the final map (MM No. 73); and

- Access to Highway 68 will be “facilitated by internal collector loop road which connects east and west entrances.” (MM No. 74).

All previous conditions of approval and mitigation measures not yet satisfied and documented, including those mentioned above, shall be carried forward for the proposed project, and all intersection improvements will meet the standards and specifications of the California Department of Transportation (CalTrans). See Section 4 for discussion of Biological Resources as it relates to said access. (Source: II and IX.1,2,3,8)

17. Utilities. The project does not affect utilities or service systems. It does not exceed wastewater treatment requirements nor require or result in the construction of new water, wastewater or storm water facilities or the expansion of existing facilities. The proposed re-subdivision will utilize previous water supply allocations and will not result in an increase of residential lots; therefore will not require allocations beyond what has been previously approved for the Monterra Subdivision. The re-subdivided lots will not result in an increase of service by the regional landfill than has already been anticipated and approved in the original subdivision (Res. 87-527). The proposed project will not result in non-compliance with federal, state, and/or local statutes and regulations related to solid waste. The project re-subdivides an existing approved final map into the same number of lots in a different configuration. No residential development has occurred on the existing lots of record, and lot specific residential development is not included in the proposed project. (Source: II and IX.1,2,3,8)

18. Mandatory Findings of Significance. See Section VII

B. DETERMINATION

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one

effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



September 6,
2011

Signature

Nadia Amador

Title: Associate Planner

V. EVALUATION OF ENVIRONMENTAL IMPACTS

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on project-specific screening analysis).
- 2) All answers must take into account the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) The explanation of each issue should identify:
 - a) The significance criteria or threshold, if any, used to evaluate each question; and
 - b) The mitigation measure identified, if any, to reduce the impact to less than significance.

VI. ENVIRONMENTAL CHECKLIST

1. AESTHETICS		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Have a substantial adverse effect on a scenic vista? (Source: IX. 1,2,3,4,5,6,7,8,9,11,20)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? (Source: IX. 1,2,3,4,5,6,7,8,9,11,20)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Substantially degrade the existing visual character or quality of the site and its surroundings? (Source: IX. 1,2,3,4,5,6,7,8,9,11,20)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? (Source: IX. 1,2,3,4,5,6,7,8,9,11)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

Discussion:

Existing site condition. The project site is located along State Highway 68, a designated state scenic highway. State Highway 68 is approximately 20 miles long connecting the City of Monterey to the Salinas Valley. State Highway 68 winds through Canyon del Rey, which offers vistas of pastoral, semi-rural land consisting of high ridges, open rolling grassland, oak, sycamore and pine trees. The project site setting consists of visually prominent ridges and canyons near the intersection of State Highway 68 and 218. The project site is undeveloped, but neighboring approved Monterra phases have been developed with residences.

Background-Certified EIR No. 84-007 for Monterra Ranch Subdivision. As explained in the *Project Description* (Section II. A), in 1987 the Board of Supervisors certified the Monterra Ranch Subdivision Environmental Impact Report (EIR). The EIR identified the increase of traffic resulting from the Monterra Ranch Subdivision as an *unavoidable significant adverse impact*. The Board found six project benefits which outweighed the project's unavoidable significant adverse traffic impacts and therefore, the Board approved the Monterra Ranch Standard Subdivision Tentative Map with a Statement of Overriding Consideration (IX. 2, 3).

One overriding consideration was the project's careful placement of building sites resulting in no visibility of development from State Highway 68 or Carmel Valley Road (IX. 3, Exhibit B, *Statement of Overriding Consideration for Monterra Ranch Subdivision*, Item 5), which reads (in part):

"The proposed subdivision for Monterra Ranch calls for viewshed protection and building sites have been situated so that they are not visible from Highway 68 or Carmel Valley Road. No development is planned for ridgelines..."

This statement was based on an assurance made at a Board hearing by the developer's architect/planner, Mr. Holm (IX. 4, Exhibit A, Board Order, page 3) that no units would be seen from State Highway 68. The EIR did not assume that no units would be visible but understood that units would be *inconspicuous*.

This Initial Study tiers from the Certified Monterra Ranch Subdivision EIR No. 84-007. As such, York Highlands is required to be consistent with this EIR. To meet aesthetic consistency, the units on each proposed lot from State Highway 68 must be inconspicuous which means the units *shall not be clearly visible or attract attention*. In addition, aesthetic mitigation measures were applied to the Monterra Tentative Map project. One of these measures included requiring building permits to be evaluated utilizing specific design criteria and requiring that development along ridge lines shall not silhouette against the skyline. The list of specific *Site Design* criteria listed in the *Certified Final Environmental Impact Report for the Monterra Ranch Subdivision EIR No. 84-007* under *aesthetic Mitigation Measures 2.6.1.3* (pages 94-98, commencing with item 38 and ending at item 64) are as follows:

38. Require building permits for Monterra lots to be evaluated utilizing the following design criteria. These criteria are general in nature since overly prescriptive standards of design, given the current preliminary planning stage of the project plan, could be detrimental to the ultimate success of the project. Conformance with these criteria is necessary to provide a project integrated with the natural setting and the planning goals of the County of Monterey and to ensure that the scale of the project allows for development, but also relates to the preservation of the natural character of the State Route corridor.

Site Design.

39. The prominent ridges and native vegetation along the State Route 68 corridor shall be preserved in a natural state, as much as possible, to maintain the natural scenic quality of this area.
40. Development should be designed to blend with the natural terrain, by using innovative site design, grading techniques, building types, and spacing of buildings.
41. All structures should complement one another and the natural landscape, provide visual interest, and create a sense of identity within the development.
42. Removal of native vegetation, particularly trees, should be minimized.
43. Grading in hillside areas should be minimized to the portion of the site covered by the structure. Required grading should be finished to blend with the natural

contours by avoiding abrupt changes in grade and by rounding off sharp angles along the sides of cut and fill slopes. The mass grading of large building pads and excessive terracing should be avoided.

44. Roadways should be designed to reflect the natural topography in order to minimize grading and scarring of hillsides.
45. Exterior colors and materials that blend, rather than contrast with the surrounding soil and vegetative cover should be used. These include natural wood and masonry materials and brown, muted green and gold colors. Highly reflective surfaces and colors should be avoided.
46. Structures should not greatly exceed the height of the forest canopy.
47. Development along ridge lines should not silhouette against the skyline.
48. Exterior lighting should be minimized. Lighting that is necessary should be of low profile design, unobtrusive and compatible with the rural character of the project area. Consider using warm tone lights on dark standards.
49. Roofs of buildings at lower elevations should be attractively designed to enhance views of these buildings from adjacent hillside residential areas. In general, sloping, gabled, or vaulted roofs constructed of wood shingles, wood shakes or tiles are preferred over flat, gravel-type roofs. Mechanical equipment on roofs should be avoided or screened so that it is not apparent from the hillside areas.
50. Large wall planes without a change in dimension should be avoided.
51. Parking and service areas, for the recreational uses should be screened with landscaped berms.
52. Architectural detail should consider the appearance of buildings as seen from the hillside areas, as well as from on-grade with the building. Trellises awnings, balconies, and planters should be used to add interest and assist with blending in with the natural setting.
53. Edges between active public areas and adjacent private residential areas should be defined by landscaping.
54. All utility lines serving the project should be placed underground.
55. Signage identifying the entrance to the Monterra development should be minimized, particularly along State Route 68. Signs should be aesthetically pleasing, blending into the highway corridor. There should be a comprehensive signage motif which is compatible with the building design and surrounding natural setting (e.g., non-illuminated wood signs). Signs identifying individual

residences and buildings should be of a uniform low-profile type, easy to identify (and to facilitate emergency access).

56. When adequate off-street parking is provided, consideration should be given to reduced street width. Intermittent widening of streets for cluster parking areas, bays, and turnarounds, are encouraged at appropriate locations. Alternatively, parking may be provided along only one side of the street.
57. Streets may be divided into one-way segments on different levels of steeper slopes to better blend with the terrain and minimize grading. Pedestrian paths may also be at a different level from the roadway segments.
58. The clustering of driveways or use of common access driveways should be encouraged to maximize natural open space preservation.
59. A comprehensive trail plan should be submitted to the County prior to approval of the tentative map.
60. A continuous system of hiking and equestrian trails following fairly level contours should connect the proposed open space and park areas. Also, open space linkages should be provided between the site and the Ryan Ranch. Solid lot line fencing of yards bordering this narrow open space corridor should be avoided to prevent a "walled" appearance.
61. Natural landscaping should be provided around buildings to screen them from internal roadways and from surrounding areas, especially State Route 68.
62. Roadway guard rails and fences should blend into the landscape as much as possible.
63. Off-road turnouts should be provided in areas with significant views.
64. Follow the recommendations of the Greater Monterey Peninsula Area Plan Citizens Advisory Committee in regard to highly sensitive areas along Highway 68:
 - a. Development shall be rendered compatible with the visual character of the area using appropriate siting, design, materials and landscaping;
 - b. Development shall maintain no less than a 100-foot setback from the scenic route right-of-way;
 - c. The impact of any earth movement associated with the development shall be mitigated in such a manner that permanent scarring is not created;
 - d. Tree removal shall be minimized;
 - e. Landscape screening and restoration shall consist of plant and tree species consistent with surrounding native vegetation;

- f. Architectural review of projects shall be required to ensure visual compatibility of the development with the surrounding area; and
- g. New development in open grassland areas shown as “sensitive” or “highly sensitive” on the Visual Sensitivity Map should minimize its impact on the uninterrupted viewshed.

In addition, York Highlands is also subject to the policies of the 2010 Monterey County General Plan (2010 General Plan) which was adopted since the original approval of the Monterra Ranch project. Policies in the 2010 General Plan which relate specifically to York Highlands include GMP-3.3d and OS-1.5:

GMP-3.3 d. states that “highly sensitive” properties should not site new development, unless there is evidence that such development maximize the goals, objectives and policies of the plan, development can be sited in a manner that minimizes visible effects of proposed structures and roads to the greatest extent possible; and

OS-1.5 states that new subdivisions shall avoid lot configurations which create building sites that will constitute ridgeline development.

Focus of the Initial Study for York Highlands/ Consistency with Certified Final Environmental Impact Report for the Monterra Ranch Subdivision EIR No. 84-007 and 2010 General Plan. The proposed York Highlands project is consistent with the Aesthetic mitigation measures outlined in the Monterra Ranch EIR No. 84-007, listed above (items 38 to 64) and with Policy OS-1.5 (as listed above) of the 2010 General Plan. York Highlands is not proposing lots which will create building sites that will constitute ridgeline development. The project proposes development standards designed to blend development with the natural terrain, by using innovative site design, grading techniques, building types, and spacing of buildings. Roadways are proposed to reflect the natural topography in order to minimize grading and scarring of hillsides. Structures would not greatly exceed the height of the forest canopy. The aesthetic analysis will focus on proposed lots 2, 6 and 44, which are lots with visibility from State Highway 68. No aesthetic issues were found with the rest of the proposed York Highlands re-subdivision because the sites are not visible from State Highway 68 or Carmel Valley Road.

The York Highlands design would result in potentially visible development from State Highway 68 for proposed Lots 2, 6 and 44. Development on these lots can be considered consistent with the Certified EIR No. 84-007 for Monterra Ranch, which calls for “inconspicuous” development of lots and be considered consistent with the policies of the 2010 General Plan if the lots use sufficient design techniques to minimize visibility. The General Plan does not prohibit development in this area, but seeks to protect the scenic viewshed along State Highway 68.

The applicant has demonstrated through on-site staking of proposed Lots 2, 6 and 44, with corresponding three dimensional building envelope plans (Source IX. 20) and with a narrative description of how the lots will function (Source IX.20 and X. 1), that development on Proposed Lots 2, 6 and 44 is consistent with County policies and with the Certified EIR.

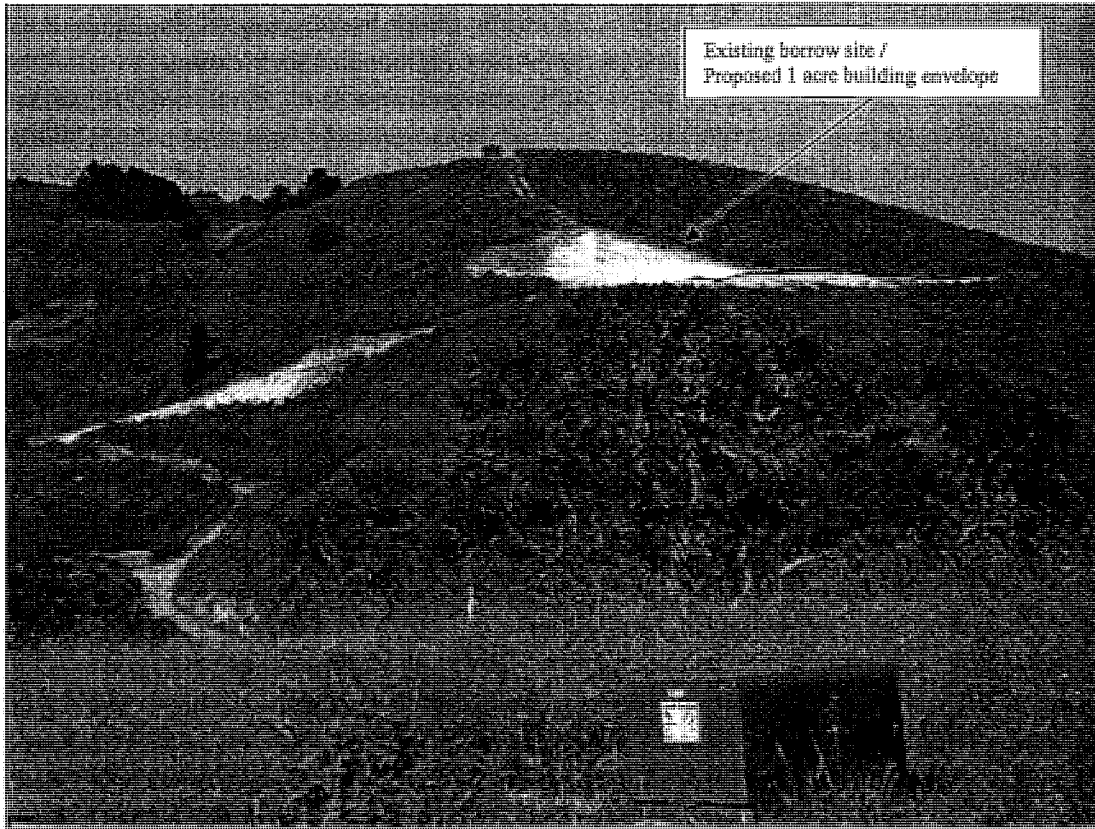
In evaluating these specific criteria, it is important to understand the regulatory context. Proposed Lots 2, 6, and 44 and other lots within the proposed project have a Visual Sensitivity (“VS”) Zoning District Overlay. Lots designated as such are subject to the regulations of Chapter 21.46 “VS Districts”, which requires flagging and staking of any proposed development in order for the County Planning Department to determine whether the development will create a substantially adverse visual impact when viewed from a common public viewing area. If during the field review of the staking and flagging, County Planning staff determines that any portion of the development has the potential to create substantial adverse visual impact when viewed from a common public viewing area, the project is then processed as a Use Permit and the appropriate authority to consider the Use Permit is the Monterey County Planning Commission. The applicant’s proposed design guidelines include a proposal making the Director of Planning the appropriate authority in reviewing residential design on these specific lots. The VS Zoning will determine the appropriate level of review for all the lots. Staff proposes a condition of approval that all lots in York Highlands with a VS Zoning overlay, be subject to *Chapter 21.46, Regulations for Visual Sensitivity Zoning Districts or “VS” Districts*.

The following sections analyze Proposed Lots 44, 2 and 6 separately:

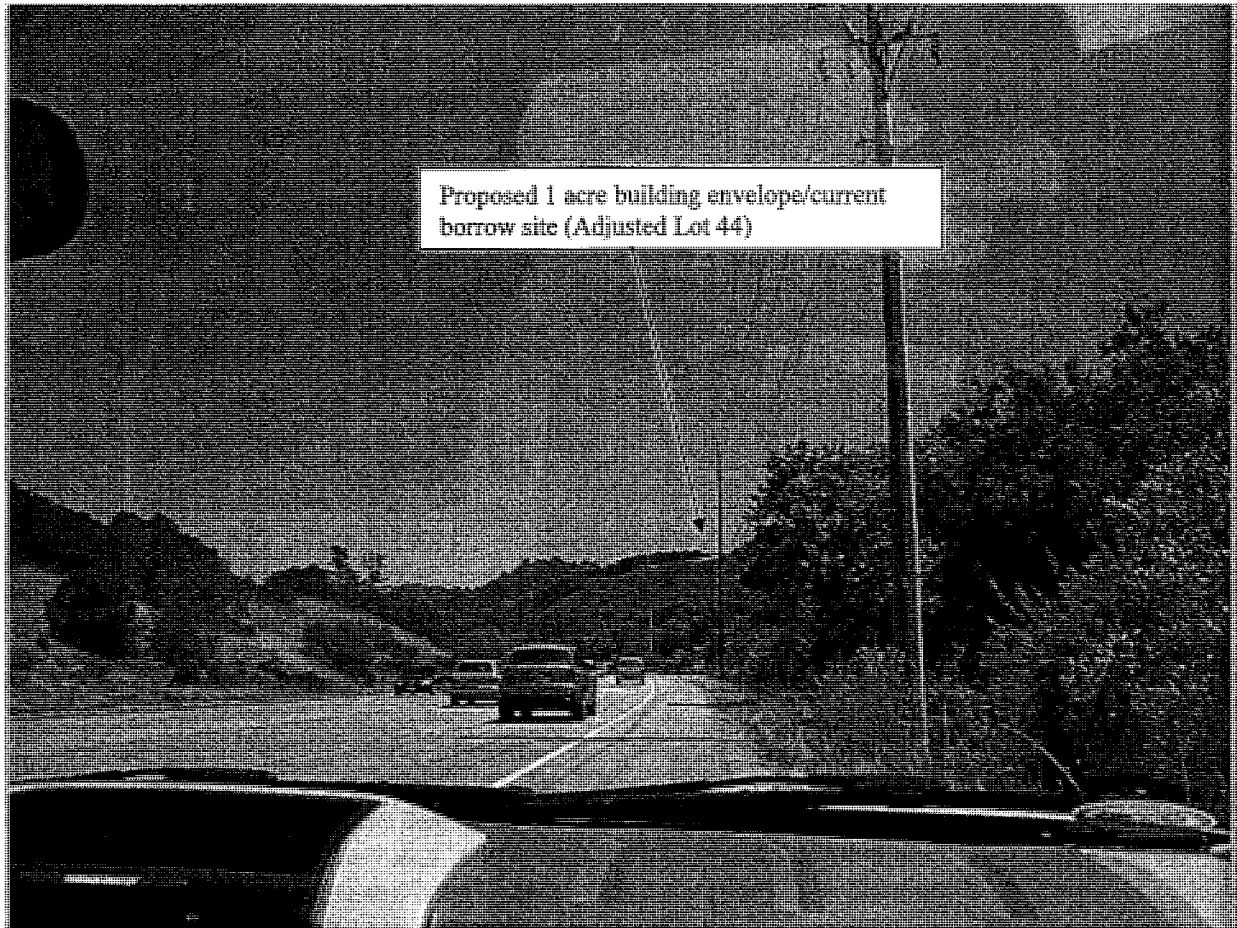
Proposed Lot 44-

Lot 44 is proposed as an 8.91 acre lot with two building envelopes of 1 acre and 0.36 acres. The smaller building envelope is intended for an accessory dwelling unit and/or a non-habitable accessory structure. This smaller building envelope sits next to the driveway at a lower elevation from the larger building envelope. The smaller 0.36 acre building envelope has no visibility when viewed from State Highway 68.

The proposed 1 acre building envelope is intended for the primary residence and is located at the highest elevation of the site. The 1 acre area was created as the result of grading conducted as part of the approvals associated with Monterra Ranch. It was used as a “borrow site” where soil was removed to be used in other locations. The grading permit for the borrow site is active and on-going. The photograph below shows the current borrow site location where the larger 1 acre building envelope is being proposed (Note: photograph was taken from inside the Monterra Ranch Subdivision (not from a public viewing area):



The location of the site is currently visible when viewed from State Highway 68. The photograph below of the current borrow site/ proposed 1 acre building envelope was taken while sitting in the passenger seat of a vehicle traveling east on State Highway 68:



The Certified Monterra Ranch EIR did not assume that units would be invisible, but understood that units would be *inconspicuous*. Inconspicuous is defined as “*not clearly visible or attracting attention.*” Placement of a house on the 1-acre building envelope of proposed Lot 44, can be achieved, but through proper site design criteria. A three dimensional building envelope has been created for this lot. This building envelope has been designed to place a structure on the existing graded area such that the roof line of the structure ties into the existing topography. This has been verified through staking that has been completed on-site showing the limits of the three dimensional building envelope. The edges around the building envelope will be softened by planting of native plants and trees as part of the subdivision improvements and a mixture of additional native trees will be planted at the time a future residence is constructed (Source IX. 20). The result will be a building site that fits within the natural topographic contours of the site and uses native vegetation to screen the edges of the proposed development. The proposed design is located in the *Conclusion* section for *Aesthetics (a-c)*.

Based upon this approach, proposed Lot 44 is consistent with Policy GMP-3.3 d of the 2010 General Plan. Pursuant to the Greater Monterey Peninsula Scenic Highway Corridors and Visual Sensitivity Map, Lot 44 is entirely within the Highly Sensitive designation, which deems the area “protected”. *GMP-3.3 d.*, requires that “highly sensitive” properties should not site new development, unless there is evidence that such development maximize the goals, objectives and policies of the plan, development can be sited in a manner that minimizes visible effects of proposed structures and roads to the greatest extent possible.

As noted above, the upper building envelope and the access drive were created as part of the subdivision improvements for Monterra Ranch. This building pad and the road leading to it were constructed as a borrow site. The result is that the grading for this building pad has already been completed. No new disturbance of existing native vegetation or topography is needed. Conversely, if this location were not approved for development, the lot would need to be moved to another location where additional grading and clearing would be needed. Development of the building envelope subject to the specific and strict design guidelines can make the placement of a house at this location “inconspicuous” when viewed from State Highway 68. The remainder of Lot 44 will be designated as Scenic Easement. Given the reasons explained above, developing Lot 44 with the proposed buildable lot and building envelope locations would maximize the goals, objectives and policies of the General Plan.

Proposed Lot 2-

Proposed Lot 2 is located at the knoll of a hill and has the potential to be very visible from State Highway 68 and to result in ridgeline development. A three dimensional building envelope has also been developed for this lot in order to use the existing topography and existing trees to minimize the visibility of any future structures. There are angles in which the existing three dimensional building envelope is visible. The most visible is from the York Road/State Highway 68 intersection. In order to mitigate this, the applicant proposes to plant native trees outside the building envelope as part of the subdivision improvements. The future structure will require a discretionary review to determine if it constitutes ridgeline development. If it is determined to be ridgeline, the size or location of the structure will need to be modified. The applicant’s proposal includes additional tree planting as part of the future construction of a residence.

Proposed Lot 6-

The building envelope for proposed Lot 6 is located along a saddle formation at a significant distance from State Highway 68. It is only visible from State Highway 218 corridor. The location itself is difficult to see with the unaided eye. A three dimensional building envelope has been prepared for this lot. The maximum height of the roof will tie into the higher hill to the south of the lot and to trees located on the northern portion of the lot. There could be some visibility of the area between the slope and trees, but the height limitation of the three dimensional building envelope will make it difficult to see the structure. In order to ensure that the building ties into the topography and trees, the applicant proposes that trees be planted as part of the future house design to break up any solid angles which may be noticeable.

Conclusion:

Aesthetics (a-c) – Less Than Significant Impact.

The location of a building site on proposed Lot 44, 2 and 6 will have a less than significant adverse visual impact on the sensitive view corridors of State Highway 68, State Highway 218 and York Road, with implementation of the design measures proposed as part of the project. These design measures are consistent with the original aesthetic mitigation measures under Certified EIR 84-007 for the Monterra Ranch Subdivision.

A condition of the tentative map will require that prior to recordation of Final Map, a note shall be recorded on the final map stating the design criteria must be implemented as part of any future development and be incorporated into the CC&R's of the subdivision. The implementation of these design criteria as implemented through the subdivision improvements and implementation through the lot development review process will mitigate any impacts to a less than significant impact.

Therefore, given the conditions stipulated above, the proposed project will have a less than significant impact on Aesthetic Resources and is consistent with the *Certified Final Environmental Impact Report for the Monterra Ranch Subdivision EIR No. 84-007* and with the *2010 Monterey County General Plan*.

Aesthetics (d) – Less Than Significant Impact.

The York Highlands project has the potential to create new source of light or glare from the residential lots. The proposed project would be required to comply with County 2010 General Plan Policy LU-1.13, which all exterior lighting shall be unobtrusive and constructed or located so that only the intended area is illuminated, long range visibility is reduced, and offsite glare is fully controlled.” This design criteria will be implemented as part of the design criteria for the subdivision, so that future lot owners will know what the light limitations are. In addition, the zoning for the subject area, requires a discretionary permit for construction of a residence. The County submittal of an Exterior Lighting Plan, subject to review and approval by the Resource Management Agency - Planning Department. With the implementation of this criteria through the review process, the project is consistent County 2010 General Plan Policy LU-1.13. Therefore, the project's new source of light would have a *less than significant effect* on aesthetic resources.

2. AGRICULTURAL AND FOREST RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Section IV.

3. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in significant construction-related air quality impacts?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Section IV.

4. BIOLOGICAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?(Source: IX.2,3,10,13,14,19)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?(Source: IX.2,3,10,13,14,19)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (Source: IX.2,3,10,13,14,19)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (Source: IX.2,3,10,13,14,19)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (Source:IX.2,3,10,13,14,19)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (Source: IX.2,3,10,13,14,19)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

There are two areas to be addressed. The modification of the General Plan Land Use Designation and the impacts from the project. The existing PQP land use would allow development of public facilities on the property. The change from PQP to residential does not add any new entitlement to the property; it allows the dispersion of 24 lots over a larger area. The net result is the same number of lots, without an equestrian center or recreation center.

Biological Resources (c) –No Impact.

The analysis contained in the biological reports did not identify any federally protected wetlands on-site. Therefore, *no impact* to federally protected wetlands exists.

Biological Resources (a, b, d, e, f) –Less Than Significant Impact.

Two biological analyses (IX. 13, 14) were prepared for the proposed York Highlands re-subdivision. Both analyses conclude that the proposed York Highlands re-subdivision would significantly reduce impacts to biological resources when compared to the undeveloped approved final maps for this area. York Highlands reduces the total building envelope coverage, increases open space area and re-aligns roads resulting in a reduction in the overall impact to the natural habitat of the area.

Sensitive Species

No sensitive animal species were sighted. The biological analyses (IX. 13) determined that the project area did not contain suitable habitat for California tiger salamanders.

Sensitive plant species identified as having the potential to occur at the project site were the Monterey pine (*Pinus radiata*) and the Carmel Valley bush mallow (*Malacothamnus palmeri* var. *involucratus*). The biological assessment states (IX. 13): “The preferred method for protecting sensitive plants is to avoid them by surrounding their growing site with open space.” The sensitive plant species were located on Lot 13 and 7. In both lots the sensitive species occur outside the building envelope in the “open space” areas. Therefore, the proposed York Highlands re-subdivision would have a less than significant impact on sensitive species.

Special Status Species

The biological analysis (IX. 14) identified that no special status species occur on any of the proposed building envelopes. Although the analysis in the Certified Monterra Ranch Subdivision EIR (IX. 2) identified the occurrence of Hickman’s onion, a special status plant, at specific locations in the Monterra property, the biological analysis (IX. 14) stated that Hickman’s onion “were well outside of the areas now proposed for lot and building envelope readjustment.” The biological analysis also identified that no special status animal species were likely to be significantly affected by the project, because the habitat types that support these species were not present (i.e. riparian woodland, aquatic habitats, friable sandy soils). Therefore, the proposed York Highlands re-subdivision would have a less than significant impact on special status species.

Oak Woodland Habitat

Oak woodland habitat is a significant native plant community on the site. Under the proposed re-subdivision, approximately 22 acres of oak woodland would be affected for the York Highlands subdivision improvements.

Proposed Building Envelopes- Out of the 22 acres oak woodland habitat, approximately 7 acres are located in the proposed building envelopes. However, removal of trees within the building envelopes will be limited to comply with County tree removal policies. Such policies include the requirement that specific findings be made for the removal of protected trees (i.e. Oaks) and therefore, clearance of the entire building envelope for the placement of a residence would probably not be allowed, making the oak woodland impacts less. In addition, tree removal policies require that during the bird nesting season (February 22 through August 1) tree consultants identify any nests within 300 feet of the proposed tree removal(s) in the tree assessment. If a nest is found, a qualified biologist must conduct a nest survey prior to the

approval of the tree removal permit. The biologist's recommendations will be added as a condition of approval of the tree removal permit.

Proposed Road Re-Alignment- The biological analysis explains that under the approved plans, nearly two miles of new roadways (emphasis added) were approved to be graded through otherwise undisturbed habitat while in the reconfigured plan (York Highlands), less than one mile of undisturbed habitat would be affected by new roadways (not including new driveways to existing lots).

Habitat Fragmentation- Habitat fragmentation was identified in the biological analysis to "slightly increase" under the reconfigured project since it disperses residential units over a larger area of the site," while the existing approved configuration is clustered. However, development of the clustered lots would require more habitat removal because the new roads and parcel improvements were within a very dense oak woodland forest. The York Highlands building envelopes were carefully placed to minimize impacts and the proposed open space (scenic easement) areas that will be designated outside the building envelopes will continue to function as habitat. The biology report suggests that appropriate management and use restrictions such as no perimeter fencing and landscaping with native plants along with scenic easements, would offset impacts to habitat fragmentation. As it currently stands, the recorded CC&R's for Monterra Ranch (Source: IX. 19) have existing language which minimizes impacts to biological resources with respect to habitat fragmentation. Such language includes the prohibition for any alteration to the existing landscaping or other natural scenic features of property under a Conservation and Scenic Easement, development limitations within lots, such as landscaping with native species within the building envelope. The York Highlands re-subdivision would have a condition of approval requiring application of these CC&R's.

Grassland and Coastal Scrub Impacts

Approved final maps- Under the approved final maps, grassland impacts from the development were estimated at 23.13 acres in the building envelopes and 0.81 acres for new road improvements, for a total of approximately 24 acres. Coastal scrub impacts under the approved final maps were estimated at 21.30 acres in the building envelopes and 1.69 acres for new road improvements, for a total of approximately 23 acres.

York Highlands- York Highlands proposal estimates grassland impacts at 19.97 acres for building envelopes and 0.81 acres for road improvements, for a total of approximately 21 acres. Coastal scrub impacts are estimated at 31.63 acres for building envelopes and 0.94 acres for road improvements for a total of approximately 33 acres.

Comparison- Given the information above, the impacts of the York Highlands re-subdivision is approximately 3 acres less for grasslands and approximately 10 acres more for Coastal scrub, when compared to the current approved final maps. Although, York Highlands impacts to Coastal scrub increase by 10 acres, the increase in Coastal scrub impact must be weighed against the significant reduction in impacts to Oak woodland forest. For example, under the approved final maps, oak woodlands impacts are approximately 45 acres, while the proposed York Highlands impacts would be approximately 22 acres.

Conclusion:

The proposed York Highlands re-subdivision will reduce impacts to oak woodlands without significantly increasing impacts to other vegetation and wildlife habitat. In total, the impact to all three communities (grassland, coastal scrub and Oak woodlands) is reduced to a total of 92 acres to 76 acres. With the incorporation of certain conditions of approval described above, the impacts to biological resources would be less than significant.

5. CULTURAL RESOURCES	Less Than Significant			
	Potentially Significant Impact	With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5? (Source: IX.1,2,3,8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5? (Source: IX.1,2,3,8,17,18)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (Source: IX.1,2,3,8,17,18)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?(Source: IX.1,2,3,8,17,18)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

Cultural Resources (a) –No Impact.

The Certified Monterra Ranch Subdivision EIR 84-007 did not identify any historic resource as identified in 15064.5. Therefore, *no impact* will occur to a historic resource.

Cultural Resources (b,c,d) –Less than Significant Impact.

The subject site is located in a Moderate Archaeological Sensitivity Zone as mapped by County resource maps. An archeological report is required for any development project located in a Moderate Archaeological Sensitivity Zone if the development requires environmental assessment. In the case of the subject York Highlands re-subdivision which is a development project that would require an archeological report, such report was not required because previous reports have been prepared for the site by a qualified archaeologist and such reports clearly and adequately included the currently proposed development site within the scope of its survey.

Previous archaeological studies-

Archaeological reconnaissance and reports were conducted and prepared for the subject site in 1984 and 1989. The 1984 report was part of the cultural resources analysis in the Certified Monterra Ranch Subdivision EIR 84-007 for the Monterra Ranch Tentative Map. The EIR analysis identified that potential impacts to cultural resources may occur with the development of

Estate Lots 12-26 or in the *vicinity* of these lots (shown on the Monterra Ranch Tentative Map) and provided mitigation to reduce the impacts to a less than significant level. This area has since been renumbered and is currently those lots approved as *Monterra Ranch Phase 6*, which is within the “vicinity” of York Highlands Proposed Lot 44.

Mitigation Measure (Condition No. 17) was imposed for the Monterra Ranch Subdivision Tentative Map requiring a detailed archaeological investigation and report be prepared by a qualified archaeologist for the areas identified in the EIR. This requirement was satisfied in 1989 with a subsequent archaeological reconnaissance and report which was approved by the Director of Planning. The report did not find surface evidence of potential significant resources and recommended that the project move forward.

Conclusion- Mitigation Measure 17 of the Monterra Ranch Tentative Map (BOS Resolution No. 87-527) has been complied with, requiring no further analysis of cultural resources. A condition of approval from the original tentative map applies to York Highlands which requires that archaeological monitoring be retained to monitor the initial excavation and grading of subdivision improvements for each phase (Condition No. 11 or BOS Resolution No. 87-527). With this condition of approval, the project would have a *less significant impact* to archaeological resources.

6. GEOLOGY AND SOILS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Source: IX. 1,2,3,8,15,16) Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking? (Source: IX. 1,2,3,8,15,16)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction? (Source: IX. 1,2,3,8,15,16)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides? (Source: IX. 1,2,3,8,15,16)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil? (Source: IX. 1,2,3,8,15,16)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

6. GEOLOGY AND SOILS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? (Source: IX. 1,2,3,8,15,16)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? (Source IX. 1,2,3,8,15,16)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? (Source: IX. 1,2,3,8,15,16)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

Discussion:

Initial fault investigation requirements were first established in 1972 when the State of California passed the Alquist-Priolo Special Studies Zone Act (A-P Act). In 1994, the A-P Act was renamed the Alquist-Priolo Earthquake Fault Zoning Act. Subsequent to A-P Act legislation, individual counties in California adopted similar investigation guidelines for faults not identified by the 1972 legislation. Under the A-P Act, faults are zoned and development across them is regulated if they are deemed “sufficiently active” and “well defined”. A fault is regarded as “sufficiently active” if one or more strands exhibit evidence of Holocene displacement. A fault is “well defined” if its trace can be clearly identified as a physical feature at or just below the ground surface by a trained geologist using standard professional techniques, criteria and judgment.

The primary purpose of either the State legislation or individual County ordinances is to protect life during a seismic event. Monterey County’s 2010 General Plan (Sections S-1.1 through S-1.9) outlines County requirements for development in high hazard areas (including zones that extend 1/8 mile from active or potentially active faults).

Environmental Risk Specialties Corporation (ERS) conducted geological and geotechnical investigations on 24 single family lots (Lots 1-22, Lot 44, and Ranch Lot 1) and associated roads/driveways located within the proposed project area. A total of 29 proposed building envelopes exist within the 24 lots; two proposed building envelopes exist on lots 3, 4, 8, 21, and Ranch Lot 1.

ERS performed focused Fault Investigations on Lots 2, 6, 10, 11, 16, 19, 21, and Lot 44. The remaining lots did not require geological trenching work, since they are not located within the County identified fault zone. Further geotechnical investigations will be conducted at such time as individual residences are designed.

Landslide Investigations were performed within the building envelopes for Lots 1, 8, 9, 12, 18, 20, 21 and 22. ERS cleared building envelopes 13, 14, 15, and 17 as a result of data previously gathered during preparation of prior reports within the area, therefore no additional investigations were required. The remaining lots also do not require landslide trenching as no landslides are mapped on these lots. Each of these lots is cleared for development provided a detailed geotechnical investigation is performed for the individual residences prior to the issuance of building permits.

Conclusion:

Geology and Soils (a.i-iv)-Less than Significant. The site does not lie within a currently designed A-P Act fault zone, however, it lies within a mandated fault investigation zone as established by Monterey County. Pursuant to County regulations, ERS completed in-depth fault investigations within the proposed project, to identify sufficiently active, well-defined fault traces associated with the mapped north branch of the Navy fault that passes northwest of the project site. The reconnaissance and investigation conducted by ERS concluded that although possible, it is unlikely that surface rupture would occur within the project site, and that habitable construction within the project area would not result in unacceptable risk for direct faulting activities. No faulting activity was noted during the trenching studies with Lots 2, 6, 7, 10, 11, 19, 21, and/or Lot 44. No residential fault setbacks are required for these lots. Residential lots not located within the County fault hazard or landslide hazard zone did not require trenching to identify potential hazards and no setbacks are required. Therefore the project will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, and/or landslides. The project will have *a less than significant impact*.

Geology and Soils (b, c, d)-No Impact. The site does not is located on a geologic unit or soil that is unstable or would become unstable as a result of the project. The project is not located on highly expansive soil, and will not result in substantial soil erosion or the loss of topsoil. *No impact*.

Geology and Soils (e)-No Impact. The proposed project will not involve the use of septic tanks or alternative wastewater disposal systems. Sanitary sewer lines will be installed for each lot to provide effluent disposal. *No impact*.

7. GREENHOUSE GAS EMISSIONS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (Source: 1,2,3,4,8,10,11)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (Source: 1,2,3,4,8,10,11)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

Discussion:

At the time the Environmental Impact Report (EIR) was prepared and certified for the Monterra Ranch Subdivision (prepared 1986, certified 1987) greenhouse gases were not required to be addressed. Starting in 2008-2009 the Office of Planning and Research (OPR) mandated evaluation of Greenhouse Gas (GHG) impacts through the California Environmental Quality Act (CEQA) review process. In 2010, amendments to the CEQA guidelines were adopted to incorporate GHG analysis in CEQA. Although evaluation of GHG impacts is now a requirement of CEQA, there has been a recent court case ruling that found that a new EIR does not need to be prepared when a project EIR was certified prior to the requirement to analyze GHG emissions (Citizens for Responsible Equitable Environmental Development (CREED) v. City of San Diego). In this case the court upheld the use of a 2008 addendum to a 1994 EIR used in connection with approving a revised project. The courts found that a new GHG analysis was not required because it is not new information that could not have been known in 1994 when the EIR was certified. The Court found that GHG impacts were known as early as the 1970s.

The 1986 Monterra Ranch Subdivision EIR identifies overall air quality impacts based on vehicle trips and discusses in Section 2.9.4 “Energy Conservation”. The following is a qualitative analysis tiering and streamlining from the original EIR and introducing new policies and information relative to the 2010 Monterey County General Plan which does address GHG emissions on a programmatic basis.

Conclusion:

Greenhouse Gas Emissions (a) – Less Than Significant.

The proposed merger and re-subdivision does not directly result in any additional greenhouse gas emissions. Indirect greenhouse gas emissions from construction and development of roads, infrastructure, and homes on the reconfigured lots will occur; however, these emissions are in keeping with or less than the emissions that would result under a “no project” scenario. With the re-subdivision, the number of buildable lots will not change and the location of the lots is similar for the purposes of determining vehicle miles traveled. Therefore, impacts resulting from GHG producing activities such as vehicle trips, household waste, and new stationary sources resulting

from construction of new structures will not change. Mitigation from the original project EIR for energy conservation will still be complied with. The EIR mitigation states:

“Incorporation of the measures discussed above [passive solar design guidelines] in future home and building design will reduce the project’s impacts on non-renewable energy resources.”

The current California Building Codes (Title 24) require minimum efficiency levels in all new construction that will insure implementation of this mitigation measure.

Other sources not discussed above include emissions from construction equipment and impacts resulting from loss of trees and vegetation which if not removed sequester Carbon Dioxide (CO²) and remove GHGs from the environment. Indirect GHG emissions relative to loss of sequestration from vegetation removal and from construction and grading related emissions will actually be reduced from current conditions. The merger and re-subdivision includes relocating building sites and roads to take advantage of openings in tree canopies and to make use of existing ranch roads at the site. This effort results in a reduction in the amount of grading required to construct roads and building pads and reduces the overall number of trees to be removed as compared to the approved configuration.

No thresholds of significance for GHG emission have been adopted in Monterey County; however, there is evidence in the record to qualitatively conclude that the proposed project will have fewer impacts on GHG emissions than the currently approved configuration. Therefore, the project will have a less than significant impact environment as a result of GHG emissions.

Greenhouse Gas Emissions (b)– Less Than Significant.

There are a number of plans and regulations that have been passed or adopted with the intent of regulating and reducing greenhouse gas emissions. One of the main pieces of legislation is California Assembly Bill 32 (AB 32). AB 32 requires the California Air Resources Board (CARB) to adopt rules and regulations that would achieve GHG emissions equivalent to state-wide levels in 1990 by 2020. AB 32 does not specifically mandate action at the local level; however, because CEQA is defined by the state as a primary tool for addressing climate change, many local agencies are being proactive by developing policies and programs aimed at reducing GHGs generated within their jurisdictions to reduce climate change impacts identified in the CEQA process.

Currently, neither CARB, the Monterey Peninsula Unified Air Pollution Control District (MPUAPCD), nor Monterey County have adopted thresholds of significance for GHG emissions; however, the 2010 Monterey County General Plan contains policies that require preparation of GHG reduction plans. The following General Plan policies address GHG emissions:

- OS – 10.11 requires preparation of a Greenhouse Gas Reduction Plan within 24 months of adoption of the General Plan. This plan has not been adopted yet. The project will not interfere with the preparation of this ordinance or be incompatible with the criteria that must be addressed pursuant to the policy;

- OS – 10.12 requires preparation of a Green Building Ordinance within 24 months of adoption of the General Plan. This plan has not been adopted yet but there are criteria in the policy that would require consideration of solar building orientation, solar roofs, cool pavements, and planting of shade trees in new residential projects of 6 units or more;
- OS – 10.13 requires preparation of an Alternative Energy Promotion ordinance. The project will not conflict with the preparation of this ordinance; and

As mentioned in section 7a above, the project actually reduces GHG emissions from the levels permitted under the existing recorded map. Implementation of Air Quality measures and application of the current Building Codes will ensure consistency with the original subdivision EIR and the project will not substantially conflict with any applicable plans, policies, or regulations to reduce GHG emissions. Therefore, the project will have a less than significant impact.

8. HAZARDS AND HAZARDOUS MATERIALS	Less Than Significant			
Would the project:	Potentially Significant Impact	With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (Source: IX. 1,2,3,8,9,11,12,13,14,15,16)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (Source: IX. 1,2,3,8,9,11,12,13,14,15,16)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (Source: IX. 1,2,3,8,9,11,12,13,14,15,16)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? (Source: IX. 1,2,3,8,9,11,12,13,14,15,16)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? (Source: IX. 1,2,3,8,9,11,12,13,14,15,16)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

8. HAZARDS AND HAZARDOUS MATERIALS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? (Source: IX. 1,2,3,8,9,11,12,13,14,15,16)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (Source: IX. 1,2,3,8,9,11,12,13,14,15,16)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? (Source: IX. 1,2,3,8,9,11,12,13,14,15,16)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

Discussion:

The project involves the merger and re-subdivision of residential lots. The anticipated residential use of the properties will not involve the use or transport of hazardous substances. The original EIR did not identify any impacts relating to hazards and hazardous materials other than wildland fires; however, some of the lots were, and will continue to be, located within the Monterey Peninsula Airport Land Use Plan area, near a flight path. This location near the airport was identified and discussed in the original EIR in terms of noise impacts but not in terms of hazards. Noise impacts are addressed in Section VI.12 of this report.

Conclusion:

Hazards and Hazardous Materials (a-d) – No Impact.

The anticipated residential use of the properties within the Monterra Ranch subdivision will not involve the use or transport of hazardous materials other than the common gas lines or propane tanks used to serve the structures with natural gas. The nearest school is York School located across Highway 68 more than ¼ mile away from the nearest residential lot. The site is not listed in the California Department of Toxic Substances Control Hazardous Waste and Substances Site List and there is no evidence that there are hazardous materials present in the study area. Therefore there is a less than significant impact involving the hazardous materials

Hazards and Hazardous Materials (e) – No Impact.

Some of the project site is located with the Monterey Peninsula Airport Land Use Plan area. The approach and flight path for the airport runway is not directly over the site but is generally located across highway 68 over the Ryan Ranch office park area. It is highly unlikely that aircraft would present an unusual danger for structures and people at the site. The location and new configuration of the proposed lots are in and among hills and valleys south of Highway 68 and

the 30 foot height limit for structures will ensure that no new structure could conflict with low flying aircraft. The reconfigured lots pose no more risk to people or development than the original lots in their original configuration. Therefore, the project will have no impact on safety hazards due to the project location within an Airport Land Use Plan area.

Hazards and Hazardous Materials (f) – No Impact.

The project is not located in the vicinity of any private air strips. Therefore, the project will have no impact on safety of people due to location near a private air strip.

Hazards and Hazardous Materials (g) – No Impact.

The project involves minor changes to the locations of roads and driveways accessing the subject lots; however, the access points for ingress and egress to the Monterra Ranch subdivision along with the regional emergency evacuation routes for the area will remain unchanged and unaffected. The re-subdivision will result in the same number of lots as those previously analyzed thereby resulting the same number of evacuees in the event of a disaster and the access point at the York Road and Highway 68 intersection has always been anticipated as part of the project. In addition to the York Road access point; there is also inter-connectivity of streets to two other access points on Highway 68 west of York Road providing alternate routes that may be used to access the regional roads and highways. Therefore, there will be no impact on emergency planning and evacuation plans.

Hazards and Hazardous Materials (h) – No Impact.

The original Final EIR, Section 2.9.3 starting on page 117 discusses fire protection. Much of the discussion focused on fire protection services including the need to annex the project area into the Salinas Rural Fire Protection District and to provide a station in close proximity. The site is now within the Monterey Regional Fire protection district (formally Salinas Rural Fire) and is served by the Laureles Station at the corner of Laureles Grade and Highway 68. The current conditions are in keeping with mitigation measures 86 and 87 of the original EIR, effectively providing adequate fire protection services to the area. Two other impacts were identified based on introduction of people into a moderate to high fire hazard area and the design of cul-de-sacs that exceed the 1000-foot maximum length standard established in the Greater Monterey Peninsula Area Plan.

The need for fire protection controls due to the introduction of people into the moderate to high fire hazard areas were identified in the original EIR. Mitigation Measure 89 describes the desire to have future improvement plans reviewed by Salinas Rural Fire Department to assure that fire protection and prevention design features included. This is followed by a list of design features that are summarized as follows:

- a. Adequate access provisions for fire equipment;
- b. Adequate fire suppression such water tanks and/or fire hydrants;
- c. Fire sprinklers for all buildings;
- d. Flammable ground cover clearance of 30-feet around each structure;
- e. Building setbacks and clearance from dead vegetative growth;
- f. Fire retardant roof coverings;
- g. Easements and access for fire breaks;

- h. Periodic clearing of dead vegetation along fire breaks by the homeowner's association;
- i. Need for parking lanes or turnouts for access to fire hydrants with associated parking restrictions; and
- j. Highly flammable underbrush clearance within 20 feet of each side of all roadways if required by the fire agency.

All of these measures are adequately implemented by current practices and fire standards. The subject re-subdivision has been reviewed by the Monterey Regional Fire Department who has recommended conditions of approval for the project that will be carried forward. Review of the project by the Fire Department includes considering the design of the subdivision improvements and the need for conditions to ensure consistency with Chapter 18.56 of the Monterey County Code. Chapter 18.56 establishes regulations for road design and fire access, water suppression requirements, addressing of structures, and fuel modification standards. In addition, current Fire and building codes require fire retardant roofing and fire sprinklers for all new development in high fire hazard areas. Compliance with chapter 18.56 is also required by the Fire Safety chapter of the 2010 General Plan. Fuel modification plans that address a 100-foot defensible space area around structures rather than the 30-feet previously required under the original mitigation is also required. All future development will be reviewed by the Monterey Regional Fire District and conditions requiring adequate fire protection measures including sprinklers, appropriate building materials, appropriate access and turnarounds, and 100-feet of defensible space will be applied in each case. With the exception of the change from 30-feet of defensible space to 100-feet of defensible space the mitigation, as written, remains adequate to address the impact identified and there is no change in the severity of the impact from the original to the proposed project.

With respect to the 1,000-foot cul-de-sac limitation from the Greater Monterey Peninsula Area Plan, the 2010 General Plan amended the Greater Monterey Peninsula Area Plan and eliminated this specific policy in favor of the more generally applicable policies with the safety element of the General Plan. The current re-subdivision is being considered under the 2010 General Plan and the project is consistent with the policies implementing the General Plan goal of minimizing the risks from fire. Consistency is determined based on review from the applicable Fire Department, conformance with Chapter 18.56 of the Monterey County Code, and implementation of the existing mitigation measure. Therefore, the project with implementation of existing mitigation will have no impact involving exposure of people and structures to loss, damage, or death from wildland fires.

Note: It is also noted that biological mitigations suggest development of a controlled burning plan. As it relates to fire hazards for the re-subdivision, controlled burns are probably not appropriate for the study area but may still be considered in consultation with the Fire Department for other areas containing large expanses of open space within the larger Monterra Ranch subdivision.

9. HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements? (Source: IX.1,2,4,8,11,15,16)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? (Source: IX.1,2,4,8,11,15,16)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? (Source: IX.1,2,4,8,11,15,16)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? (Source: IX.1,2,4,8,11,15,16)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? (Source: IX.1,2,4,8,11,15,16)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality? (Source: IX.1,2,4,8,11,15,16)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? (Source: IX.1,2,4,8,11,15,16)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? (Source: IX.1,2,4,8,11,15,16)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? (Source: IX.1,2,4,8,11,15,16)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow? (Source: IX.1,2,4,8,11,15,16)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

Discussion:

The Monterra Ranch subdivision EIR analyzed water availability and ground water impacts from the proposed subdivision. It was determined that the project is located in the Monterey Shale fractured rock formations which is geologically isolated from neighboring properties, and that the intensely fractured rock contains a sizeable supply of groundwater. Some impacts were identified due to water quality. The ground water was found to contain high concentrations of iron, manganese, and salts. Water treatment to reduce contaminants to acceptable levels was required. The installation of septic systems within the fractured rock area was identified as another potential impact due to the potential for nitrate contamination of the ground water.

Impacts resulting from erosion, siltation, and run-off were also addressed in the Monterra Ranch subdivision EIR. Some of the areas of the site have shallow loose soils underlain by a hard clay surface which creates a high potential for erosion and run-off, particularly on slopes and in areas disturbed by grading and construction activities. The EIR also recognizes that the development of impervious surface at the site would increase run-off and that this run-off could lead to water quality problems. Run-off from roads, driveways, and home-sites contain contaminants such as sand, silt, organic matter, vehicular oils and fuels, heavy meal compounds, non-biodegradable fertilizers, pesticides, and vegetative control chemicals. Mitigations and design considerations were discussed to address these identified impacts.

None of the reconfigured building sites are within a flood plain and there is no risk of impacts resulting from a seiche or tsunami because the site is not in close proximity to major water bodies. The proposed re-subdivision will result in a lot configuration that is slightly more distributed throughout the study area than the clustered design previously reviewed. This has the effect of necessitating additional impervious surfaces from construction of roads and driveways to access the sites over that required under the original design; however, the proposed site and road locations better conform to site topography and tree cover thus minimizing the grading and disturbance areas. The remaining Hydrology and Water Quality issues would remain substantially unaffected.

Conclusion:

Hydrology and Water Quality (a, b) – No Impact.

The Monterra Ranch subdivision EIR stated that the demand to serve the newly created lots can be accommodated by groundwater contained in the fractured siltstone and that production of the net demand of 117 acre feet of water per year (afy) will have no adverse effect on developments along Highway 68 or in Seaside. Currently, the site is served by the water system established for the Monterra subdivision which draws water from the fractured rock. The large water system is subject to regular inspection and oversight from the Monterey County Environmental Health Division. The Monterra Ranch EIR evaluated impacts based on a total of 283 lots. This number is greater than the actual number of lots that have been created within the overall subdivision and the subject re-subdivision will remain well within this number and will not increase the number of lots proposed within the subject Phase thereby not changing any water demand. The existing water system that serves the Monterra Ranch subdivision has a sophisticated treatment system in

accordance with mitigations suggested in the FEIR which has been effectively treating water to serve the development in the subdivision.

Wastewater generated by all future development in Monterra Ranch is disposed through an existing sewer system and treatment plant operated by Canada Woods. Some individual home sites may require septic systems but those septic systems are also connected to the sewer system. Because the project site is served by approved water and sewer systems, the re-subdivision will not violate water quality or waste discharge requirements.

Hydrology and Water Quality (c-f) – Less Than Significant.

Impacts involving drainage and erosion were identified in the Monterra Ranch EIR. These impacts included an increase in storm water runoff and potential impacts to water quality from urban runoff due to the introduction of new impervious surfaces and an equestrian facility.

Erosion can occur from wind, water, and human disturbance and generally is addressed in the grading and development phase. When bare soils are exposed by removal of vegetation and earth-moving activities, the resulting loose top soils on the exposed surface areas become susceptible to movement by wind and rain events. Wind borne soils can result in a decrease in Air Quality and soils erosion from saturation can cause off-site siltation which decreases water quality. Monterey County requires erosion control plans for all grading operations involving more than 100 cubic yards of soils through the Planning and Grading Permit processes.

Run-off, as referred to in the EIR and this section, involves the movement of water from post-development activities. Run-off occurs when rain falls on impervious surfaces such as buildings, driveways, patios, streets, and sidewalks. An increase in impervious area can result in flooding and other water-related impacts down slope or down stream from the impervious areas.

Currently, there is an issued and active Grading Permit that allows subdivision improvements pursuant to the approved Monterra Ranch subdivision. A revised Grading Permit will be required for the proposed road and lot reconfiguration. Erosion control plans prepared by a licensed engineer will be required to address erosion during grading. Commonly, projects minimize erosion impacts by watering disturbed sites to minimize wind erosion and using straw wattles or silt fences to contain erosion at the site. Also, as soon as possible after grading, all disturbed areas are re-seeded with native plant species and netting or mulch is used on slopes until vegetation is re-established. Erosion Control plans are required pursuant to Monterey County Code Title 16 Section 16.12.060 and standard conditions of approval. This is in keeping with the same requirements applied to the Monterra Ranch Subdivision and the reconfigured improvements will not affect the severity or applicability of the analysis.

Storm water run-off and drainage control will also be handled in a manner consistent with Monterey County Code (Title 16, Chapter 16.14) and the evaluation and mitigation contained in the Monterra Ranch EIR. Mitigations suggested in the EIR included appropriate design of on-site retention basins to accommodate 100 year storm flows and design each basin so that storm water runoff does not exceed natural runoff rates. Additional mitigation included designation of natural drainage easements and identification of drainage culverts on final maps subject to review and approval of the Department of Public Works.

An updated Drainage study was submitted for the proposed re-subdivision. The study verifies that the design of the detention basins can accommodate 100 year storm flows and maintain a runoff not exceeding natural runoff rates. The Drainage Study prepared by David Fuller of WWD, April 2011 discusses three different watershed patterns in the project area and two on-site detention basins designed and located to accommodate the runoff from these areas.

Although the project will increase impervious surfaces due to the construction of an expanded road network to access the reconfigured lots, these roads have been sited to take advantage of existing ranch roads and impacts from erosion will be reduced. Contaminants within the increased run-off from impervious surfaces will be substantially the same as under the original configuration because the number of lots and the nature of the project will not change. Therefore there is a less-than-significant impact from erosion and drainage.

Hydrology & Water Quality (g-i) – No Impact.

The project area is not located within a 100 year flood plain or floodway fringe according to the FEMA flood maps. The nearest waterway is the Canyon Del Rey Creek that is located on the northern side of Highway 68. This creek area has limited flood capacity and the 100-year flood plain maps do not include any area south of Highway 68 where the subject site is located. The area where the re-subdivision is proposed is fairly mountainous and is not close enough to the ocean or to any major lakes that could present the threat of a tsunami or seiche. Therefore, there is no impact from flooding hazards, tsunamis, or seiches.

10. LAND USE AND PLANNING	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Physically divide an established community? (Source: IX. 1,2,3,4,8,11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? (Source: IX. 1,2,3,4,8,11)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan? (Source: IX. 1,2,3,4,8,11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

Discussion:

At this time, without the project (York Highlands re-subdivision) the Monterra Ranch subdivision improvements could be completed and lots could be sold and developed. With this understanding, this Initial Study focuses on discussion about the effects of the re-subdivision in

light of the analysis in the certified EIR for the Monterra Ranch project. CEQA thresholds identify the need for additional review when there are substantial changes requiring major revisions to the previous EIR, substantial changes in circumstances under which the project is undertaken, or new information of substantial importance which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified. The notable changes that have occurred include changes to the regulatory setting under CEQA (i.e. the requirement to discuss Green house Gases) and the applicable General Plan policies. Based on initial review, and as discussed in this Initial Study, the re-subdivision has positive effects on trees and grading impacts which actually promotes local goals and policies. Many other resources or environmental effects remain substantially unchanged because the project occupies the same area and results in the same number of lots. Section (b) below, analyzes the issues that resulted from the proposed project and how these issues were addressed in order to meet consistency with the applicable plans, policies and regulations adopted for the area.

Conclusion:

Land Use and Planning (a) – No Impact.

The project will not divide and established community. The proposed project simply reconfigures approved residential lots and corresponding road access without passing through areas where development already exist. The area will continue to be a low density residential area, consistent with the area around it. Therefore there will be no impact related to physically dividing an established community.

Land Use and Planning (b) – Less Than Significant.

Preservation of visual resources-

Greater Monterey Peninsula Area Plan, Policies GMP-3.2 and GMP-3.3 require preservation of visible areas along scenic roads to the “maximum extent feasible” and where development in highly sensitive visual areas can not be avoided, design considerations that minimize visibility are required. There is some potential for the reconfigured lots to conflict with Policies GMP-3.2 and GMP-3.3 in that there are three lots (Lots 44, 2 and 6) that may be visible from Highway 68. Of the three lots that may be visible, one lot is potentially highly visible (Lot 44) and likely to adversely effect the Highway 68 scenic corridor. Design considerations for these lots have been discussed in Aesthetics, VI. Section 1 and pursuant to these specific requirements, the proposed York Highlands project would *be a less than significant impact* on visual resources.

Development on Slopes of 25% or greater-

Also related to new lot placement within the project area, is the issue of development on slopes. The original approval included review of impacts from development on slopes greater than 30% pursuant to the 1982 General Plan policies and Title 21 Zoning Ordinance requirements. The recently adopted 2010 General Plan changed the policy limitations to restrict development on slopes of 25% or more. The project involved development on slopes exceeding 30% as originally designed and as proposed will require development on slopes greater than 25%. Development on slopes greater than 25% may only be allowed if permitted through a discretionary process with at least one of the following findings made:

1. There is no feasible alternative which would allow development to occur on slopes of less than 25%.
2. The proposed development better achieves the resource protection objectives and policies contained in the Monterey County General Plan, accompanying Area Plans, and all applicable master plans.

The project meets the finding 2 above in that the proposed development better achieves the resource protection objectives and policies of the County's General Plan. York Highlands creates larger lots with building envelopes placed in natural clearings. These building envelopes may have portions of land over 25 percent slope, but the areas around the building envelopes within the individual lots will be retained in scenic and conservation easements to protect the existing natural habitat that is there. The lot pattern has been designed to follow proposed roads which follow existing jeep trails and ranch roads. These existing jeep trails and ranch roads have areas over 25 percent slopes, but utilizing the existing roads and trails would minimize tree removal and excessive grading. In the overall, York Highlands would reduce grading and tree removal primarily by the reduction in roadway improvements and placing building envelopes in areas with the least amount of oak tree and/or grading impacts. Grading would be minimized by approximately 20,000 cubic yards (IX. 12) and the impacts to oak woodland habitat would decrease by approximately 20 acres (IX. 12). Therefore, the proposed development includes a Use Permit for development on portions over areas in excess of 25 percent slopes. Given the evidence described above, the project better achieves the resource protection objectives and policies of the subject area.

General Plan Amendment-

York Highlands also involves a General Plan Amendment because the proposed lots will be placed in a portion of current *Parcel H* that has a General Plan Designation of Public Quasi-Public with an Urban Reserve Overlay (see Source X. 2). This portion will be designated as Rural Density Residential, 10 acres per unit and will continue to have an Urban Reserve General Plan Designation Overlay. Currently, this area is within a land use zoning district of Rural Density Residential, 10 acres per unit with an Urban Reserve Zoning Overlay. The General Plan Amendment would bring consistency between the General Plan Designation and the Zoning District designation.

There appears to be no other inherent conflicts with Monterey County plans and policies. Subject to the design criteria, as analyzed in Aesthetics (Section VI. 1) and with the General Plan Amendment proposed as part of the York Highlands project, the project will have a less than significant impact as a result of conflicts with plans or policies designed to avoid or mitigate environmental effects.

Land Use and Planning (c) – No Impact.

The proposed project would not conflict with any habitat conservation plan or natural community conservation plan, as none are applicable to the project site (see Biological Resources, Section VI. 4.

11. MINERAL RESOURCES		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Section IV.

12. NOISE		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:					
a)	Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? (Source: IX.1,2,3,4,8,11)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? (Source: IX.1,2,3,4,8,11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (Source: IX.1,2,3,4,8,11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (Source: IX.1,2,3,4,8,11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (Source: IX.1,2,3,4,8,11)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f)	For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? (Source: IX.1,2,3,4,8,11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

Discussion:

Two main off-site noise generators in proximity to the site were identified in the Monterra Ranch EIR including the Monterey Airport and Highway 68, although Laguna Seca Raceway was also discussed as a “minor, but annoying noise source. The project site is within 2 miles of the Monterey Airport. The runway for the airport is oriented so that the flight path is directly over the existing Ryan Ranch and Laguna Seca Office Park just north of Highway 68 and the project site. As part of the original mitigation, an avigation easement was recorded for the site. This easement will remain unaffected by the proposed project.

Conclusion:

Noise (a, e) – Less Than Significant.

Impacts from Aircraft, ground transportation, and construction noise were discussed in the EIR. At the time impacts were considered in terms of the 1982 General Plan requirements which identified a “normally acceptable” threshold of 50-55 dBA Community Noise Equivalent Level (CNEL) and a “conditionally acceptable” threshold of 55-70 dBA CNEL for low density residential projects. These thresholds remain the same in the 2010 General Plan. Noise levels exceeding the “conditionally acceptable” level were identified for lots within 1,200 feet of the centerline of Highway 68. When the air craft noise was added in the fold, it was projected to create a 3 dBA increase over the transportation related levels.

Construction related noise shall be reduced by properly maintaining mufflers on equipment, the use of graders with wheels rather than bulldozers, and the selection of haul routes that avoid residential areas combined with limiting hours of operation for construction activities from 7:00 AM to 7:00 PM. Long-term noise related impacts including road and air craft noise, would be minimized by using building materials and insulation required for new construction in areas exposed to CNEL of 55 dBA or greater (presumably the 1,200 foot wide strip of land along Highway 68) and disclosure by the developer of noise annoyances to prospective buyers.

The original EIR analysis is applicable to the reconfigured lots. No change in circumstances other than the abandonment of the Highway 68 widening project has occurred with respect to noise. The Highway 68 road widening project would actually have created a larger strip of land in which noise impacts would be greater than “normally acceptable”. The reconfigured lots do not substantially alter the number of lots that may be impacted by noise and the General Plan thresholds have remained constant. Therefore, with the implementation of the original mitigations the project will have a less than significant impact from exposure of people to noise including within the vicinity of a public airport.

Noise (b, c, d, f) – No Impact.

The proposed re-subdivision will result in a project that requires less grading and will not change the nature of the foreseeable uses or the number of lots being created. The residential nature of the project, in this location, was not considered to be a substantial noise generator and there would be no associated activities that would produce noticeable ground-borne vibrations. Because the number of lots will not change, and the location of the lots is still in the same general area and proximity to other uses, the noise generated by introduction of residential uses

to the site will not change from the original analysis. The project is also not located in close proximity to any private air strips. Therefore, the project will have no impact resulting from ground-borne vibrations, temporary or permanent increases in ambient noise levels, or location near a private air strip.

13. POPULATION AND HOUSING		Less Than Significant	Less Than Significant	No Impact
Would the project:	Potentially Significant Impact	With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Section IV.

14. PUBLIC SERVICES		Less Than Significant	Less Than Significant	No Impact
Would the project result in:	Potentially Significant Impact	With Mitigation Incorporated	Less Than Significant Impact	No Impact
Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Section IV.

15. RECREATION	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Section IV.

16. TRANSPORTATION/TRAFFIC	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

16. TRANSPORTATION/TRAFFIC		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
e)	Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? (<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Section IV.

17. UTILITIES AND SERVICE SYSTEMS		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g)	Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Section IV.

VII. MANDATORY FINDINGS OF SIGNIFICANCE

NOTE: If there are significant environmental impacts which cannot be mitigated and no feasible project alternatives are available, then complete the mandatory findings of significance and attach to this initial study as an appendix. This is the first step for starting the environmental impact report (EIR) process.

Does the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? (Source: IX.1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have impacts that are individually limited, but cumulatively considerable? (Source:) ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? (Source: IX.1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? (Source: IX.1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

(a) (b) (c)–Less than Significant Impact.

For (a) and (b) refer to Section VI. 4 -Biological Resources and VI. 5 -Cultural Resources.

(c) The project, subject to standard conditions of approval, should have a less than significant effect on human beings, either directly or indirectly.

Note: Authority cited: Sections 21083 and 21083.05, Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21080(c), 21080.1, 21080.3, 21082.1, 21083, 21083.05, 21083.3, 21093, 21094, 21095, and 21151, Public Resources Code; *Sundstrom v. County of Mendocino*, (1988) 202 Cal.App.3d 296; *Leonoff v. Monterey Board of Supervisors* (1990) 222 Cal.App.3d 1337; *Eureka Citizens for Responsible Govt. v. City of Eureka* (2007) 147 Cal.App.4th 357; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th at 1109; *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656.

VIII. FISH AND GAME ENVIRONMENTAL DOCUMENT FEES

Assessment of Fee:

The State Legislature, through the enactment of Senate Bill (SB) 1535, revoked the authority of lead agencies to determine that a project subject to CEQA review had a “de minimis” (minimal) effect on fish and wildlife resources under the jurisdiction of the Department of Fish and Game. Projects that were determined to have a “de minimis” effect were exempt from payment of the filing fees.

SB 1535 has eliminated the provision for a determination of “de minimis” effect by the lead agency; consequently, all land development projects that are subject to environmental review are now subject to the filing fees, unless the Department of Fish and Game determines that the project will have no effect on fish and wildlife resources.

To be considered for determination of “no effect” on fish and wildlife resources, development applicants must submit a form requesting such determination to the Department of Fish and Game. Forms may be obtained by contacting the Department by telephone at (916) 631-0606 or through the Department’s website at www.dfg.ca.gov.

Conclusion: The project will be required to pay the fee.

Evidence: Based on the record as a whole as embodied in the Planning Department files pertaining to PLN100020 and the attached Initial Study/ proposed Negative Declaration.

IX. REFERENCES

1. Project Application/ York Highlands Vesting Tentative Maps (including Slope Density Analysis Map, Aerial Photo Map)
2. Certified Environmental Impact Report (EIR) for Monterra Ranch Subdivision EIR 84-007, October 6, 1987
3. Board of Supervisors Resolution No. 87-527 certifying the EIR for Monterra Ranch Subdivision (SB826) and approving the Monterra Ranch Tentative Subdivision Map
4. *Report to the Monterey County Board of Supervisors*, dated October 6, 1987 (Agenda Number S-3) considering Monterra Ranch (836) Standard Subdivision Tentative Map and Certification of the Environmental Impact Report, with attached Exhibit A, Board of Supervisors Order of September 8, 1987
5. Monterra Ranch Phase 6; Cities and Towns, Vol. 22, Page 56, June 16, 2004
6. Monterra Ranch Phase 8; Cities and Towns, Vol. 23, Page 14, September 14, 2005
7. Monterra Ranch Phase 10; Cities and Towns, Volume 23, Page 16, December 1, 2005
8. 2010 Monterey County General Plan

9. Title 21 of the Monterey County Code (Zoning Ordinance)
10. 2008 Air Quality Management Plan (AQMP) for the Monterey Bay Region, Monterey Bay Unified Air Pollution Control District, Revised August 2008. Sixth Revision to the 1991 AQMP for the Monterey Bay Region
11. Site Visit conducted by the planning staff on July 6, 2011
12. York Highlands Grading letter, prepared by WWD Engineering, June 14, 2011
13. Biological Impact Letter (LIB) prepared by Vern Yadon, Pacific Grove, California, March 11, 2011
14. Supplemental Biological Assessment York Highlands (LIB110168), prepared by Zander Associates, San Rafael, California, May 9, 2011
15. Geological and Preliminary Geotechnical Investigation (LIB110169), prepared by Environmental Risk Specialties Corporation, Santa Clara, California, March 31, 2011
16. Drainage Report for York Highlands Re-Subdivision Project (LIB110170), prepared by WWD Engineering, Monterey, California, April, 2011
17. *Agreement and Monitoring Program for the Implementation of Certain Conditions Applied to the Monterra Ranch Subdivision*, recorded September 1992 with the Monterey County Recorder's Office, Reel 2851, pages 775-792
18. Preliminary Cultural Resources Reconnaissance of a Portion of the Montera Ranch, Monterey, Monterey County, California, prepared by Archaeological Consulting, Salinas, California, August 21, 1989
19. *Amended and Restated Declaration of Covenants, Conditions and Restrictions for Monterra Ranch of Monterey*, Monterey County Recorder's Office Document No. 2003-114694, September 19, 2003
20. Applicant's submittal to County staff dated September 1, 2011, detailing applicant's proposal of conditions of approval for proposed lots 2, 6 and 44

X. ATTACHMENTS

1. Applicant's submittal to County staff dated September 1, 2011, detailing applicant's proposal of conditions of approval for proposed lots 2, 6 and 44
2. General Plan Amendment Map (Parcel H)
3. York Highlands Vesting Tentative Map

X. ATTACHMENTS

1. Applicant's submittal to County staff dated September 1, 2011, detailing applicant's proposal of conditions of approval for proposed lots 2, 6 and 44;
2. General Plan Amendment Map (Parcel H);
and
3. York Highlands Vesting Tentative Map.

Attachment 1

APPLICANT SUBMITTAL

9-1-2011

Applicant's proposal of conditions
of approval for proposed Lots 2, 6 & 44

Specific three dimensional building envelopes have been created for Lot 44, Lot 2 and Lot 6. These three dimensional building envelopes identify the building site area and the maximum allowable building height elevations for these lots. All development on these lots shall conform to these three dimensional building envelopes. A note shall be placed on the Final Map stating that three dimensional building envelopes have been prepared for these lots, and that these lots are subject to building restrictions as identified therein.

Development on Lots 44, 2 and 6 shall also include the following measures:

Lot 44. Development within the building envelope on Lot 44 shall use appropriate design, materials and landscaping to maintain compatibility with the visual character of the area as follows:

- The Subdivider shall reseed the area on Lot 44 that has been used as a borrow site under existing grading permits in the area located outside of the Lot 44 building envelope as identified on the three dimensional building envelope above Points E to D to allow restoration of native vegetation (native grasses and native plant material consistent with the local area) to occur in the disturbed areas.
- The Subdivider shall also provide landscaping and restoration consisting of locally native plants and vegetation consistent with surrounding vegetation, and shall include plantings placed in appropriate locations between Points C-B-A-H around the three dimensional building envelope for Lot 44. Such plantings in this area shall include the broadcasting of pine or coffeeberry seeds outside of the building envelope between Points C-B-A-H to ensure a minimum planting of ten (10) trees and the additional planting of ten (10) oak trees. The oak trees shall be 36"-48" inch square box size and from local genetic stock.
- Architectural review of Lot 44 shall be required to ensure visual compatibility of the development with the surrounding area and the Lot Owner shall provide landscaping with native trees and vegetation in the areas between Points E-F-G-H as identified on the three dimensional building envelope for Lot 44 to achieve a breaking and blending of the architectural form into the natural setting. Such plantings in this area shall include three (3) to five (5) oak trees within

APPLICANT SUBMITTAL

the building envelope, which shall be 36"-48" inch square box size and from local genetic stock.

- Appropriate design and materials shall include either use of darker roof or wall colors to achieve blending, or roof design to shadow walls to achieve a blending into the natural environment.
- Residential design is subject to review by the Director of Planning.
- There shall be a 3-5 year monitoring plan to ensure establishment of plantings required for Lot 44 and all monitoring responsibilities shall be borne by the Lot Owner and their successors in interest.

Lot 2. Development within the building envelope on Lot 2 shall use appropriate design, materials and landscaping to maintain compatibility with the visual character of the area as follows:

- The Subdivider shall provide landscaping and restoration consisting of locally native plant and tree species consistent with surrounding vegetation, and shall include plantings placed in appropriate locations between Points C and E as identified on the three dimensional building envelope for Lot 2.
- Architectural review of Lot 2 shall be required to ensure visual compatibility of the development with the surrounding area and the Lot Owner shall provide landscaping with native trees and vegetation between Points A and F as identified on the three dimensional building envelope for Lot 2 to achieve a breaking and blending of the architectural form into the natural setting. Such plantings in this area shall be planted between the proposed home and within or outside of the building envelope between Points A and F to blend angles of the structure. Such required planting shall include three (3) to five (5) native trees such as oaks, pines or coffeeberries that consist of planting larger sized trees of 36"-48" inch square box size from local genetic stock or transplanting local trees of similar or larger size.
- Appropriate design and materials shall include either use of darker roof or wall colors to achieve blending, or roof design to shadow walls to achieve a blending into the natural environment.
- Tree removal shall be minimized to maintain visual character of the area.
- Residential design is subject to review by the Director of Planning.

APPLICANT SUBMITTAL

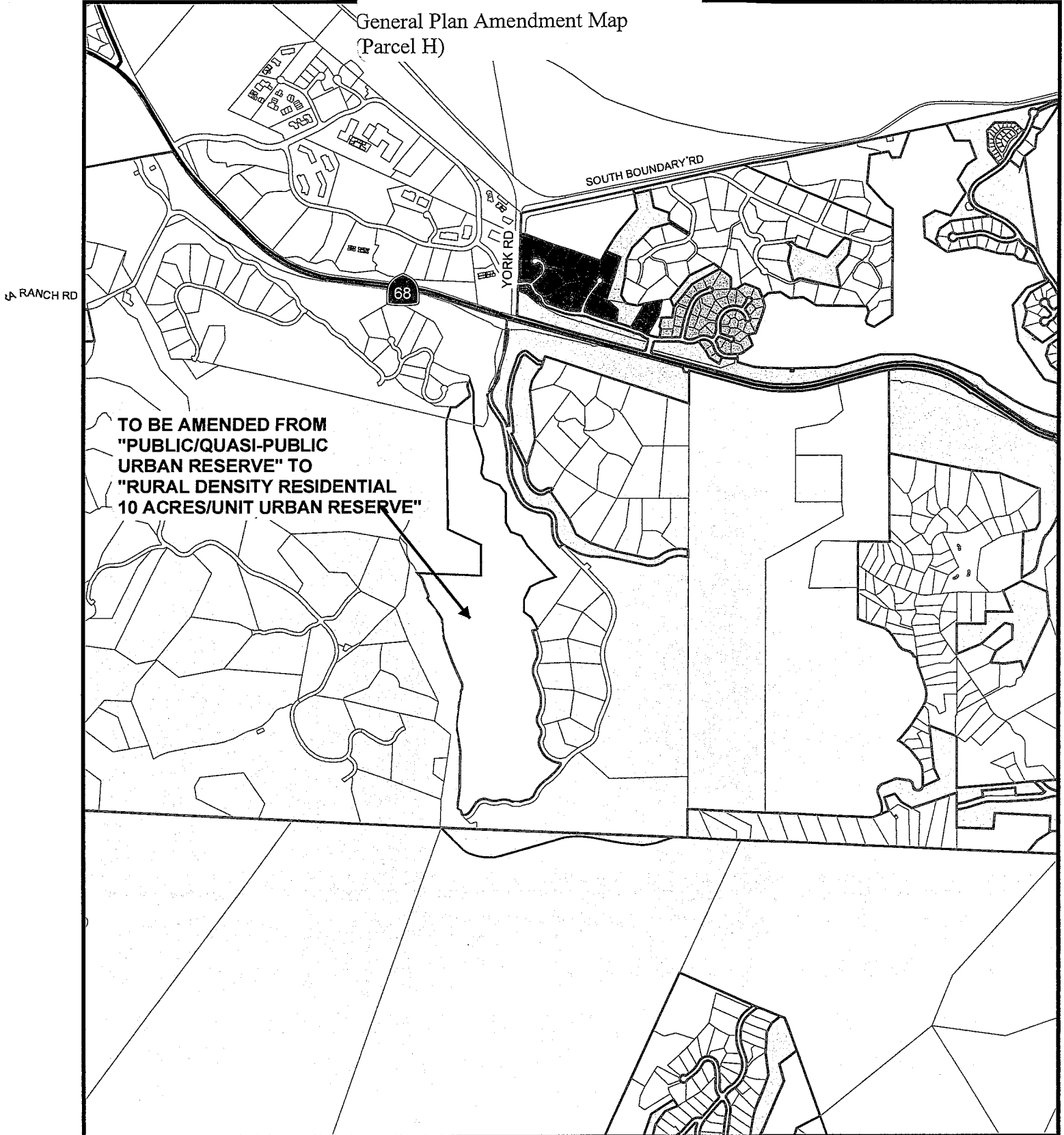
- There shall be a 3-5 year monitoring plan to ensure establishment of plantings required for Lot 2 and all monitoring responsibilities shall be borne by the Lot Owner and their successors in interest.

Lot 6. Development within the building envelope on Lot 6 shall use appropriate design, materials and landscaping to maintain compatibility with the visual character of the area as follows:

- The Subdivider shall provide landscaping and restoration consisting of locally native plant and tree species consistent with surrounding vegetation, and shall include plantings placed in appropriate locations outside of the building envelope between Points A-B-C as identified on the three dimensional building envelope for Lot 6.
- Architectural review of Lot 6 shall be required to ensure visual compatibility of the development with the surrounding area and the Lot Owner shall provide landscaping with native trees and vegetation between Points B-C-D as identified on the three dimensional building envelope for Lot 6 to achieve a breaking and blending of the architectural form into the natural setting.
- Appropriate design and materials shall include either use of darker roof or wall colors to achieve blending, or roof design to shadow walls to achieve a blending into the natural environment.
- Tree removal shall be minimized to maintain visual character of the area.
- Residential design is subject to review by the Director of Planning.
- There shall be a 3-5 year monitoring plan to ensure establishment of plantings required for Lot 6 and all monitoring responsibilities shall be borne by the Lot Owner and their successors in interest.

Attachment 2

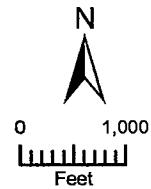
General Plan Amendment Map
(Parcel H)



LAND USE PLAN AMENDMENT, GREATER MONTEREY PENINSULA

MONTEREY COUNTY GENERAL PLAN FIGURE #LU5


FILE # PLN100020, YORK HIGHLANDS



Attachment 3

York Highlands Vesting Tentative Map

WPD
 2001 Nevada Highway 200, Reno, NV 89503
 775-784-1100
 www.wpd.com



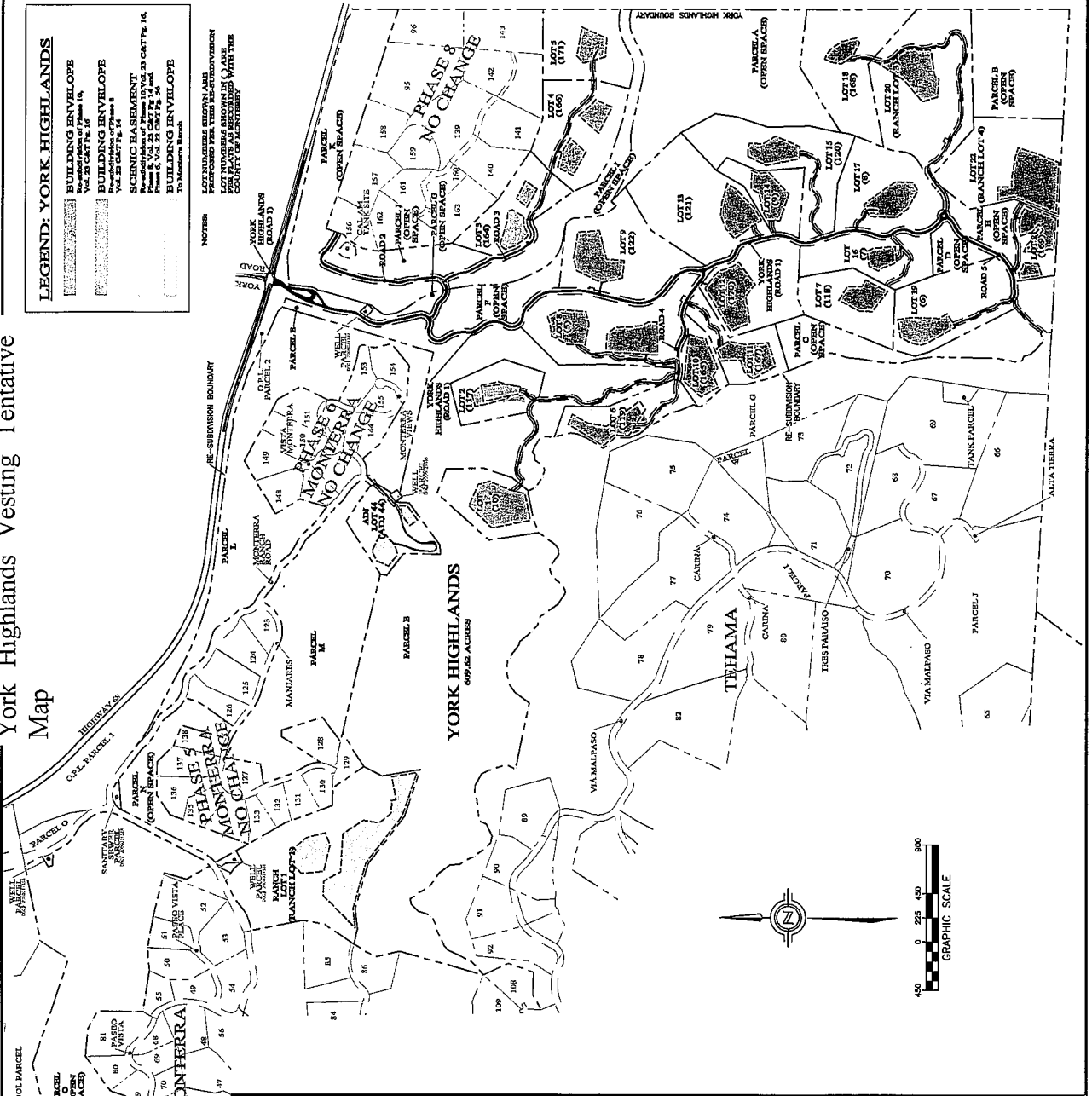
CITY OF RENO
 PLANNING DEPARTMENT
 100 SOUTH WASHINGTON STREET, SUITE 100
 RENO, NEVADA 89501
 775-335-2222
 www.reno.gov

DESIGNED BY: MRS
 DATE: MARCH 11, 2011
 SCALE: AS SHOWN
 JOB NUMBER: 01-14
 LAST REVISION: SEPT 9, 2011
 REVISION BY: MRS

YORK HIGHLANDS
 TENTATIVE
 RE-SUBDIVISION MAP

PREPARED FOR:
BANKERS DEVELOPMENT GROUP, LLC
YORK HIGHLANDS, LLC
 CARMEL DEVELOPMENT COMPANY

EXHIBIT A



LEGEND		RE-SUBDIVISION BOUNDARY		PHASED PROPERTY LINE		PROPOSED PROPERTY LINE		PROPOSED BOUNDARY		EXISTING BOUNDARY		EXISTING RIGHT-OF-WAY		EXISTING RELAY ENVELOPE		EXISTING RIGHT-OF-WAY		PROPOSED RIGHT-OF-WAY																																																																																																																																																																																																																																		
<p>YORK HIGHLANDS AREA COMPARISON TABLE</p> <p>YORK HIGHLANDS SUMMARY</p> <table border="1"> <tr> <td colspan="2">YORK HIGHLANDS RE-SUBDIVISION</td> <td colspan="2">PHASE 1-10 PRE-RE-SUBDIVISION</td> <td colspan="2">TOTAL LOT TOTAL A.E.</td> <td colspan="2">TOTAL ACREAGE</td> <td colspan="2">TOTAL ACREAGE</td> <td colspan="2">TOTAL ACREAGE</td> <td colspan="2">TOTAL ACREAGE</td> <td colspan="2">TOTAL ACREAGE</td> <td colspan="2">TOTAL ACREAGE</td> <td colspan="2">TOTAL ACREAGE</td> </tr> <tr> <td>24</td> <td>317,500</td> <td>87,700</td> <td>771,510</td> <td>24</td> <td>429,330</td> <td>279,797</td> <td>511,160</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table> <p>PRE-RE-SUBDIVISION LOTS (EXISTING LOTS OF RECORD)</p> <table border="1"> <thead> <tr> <th>LOT NUMBER</th> <th>LOT A.E.</th> <th>LOT ACREAGE</th> <th>PHASE</th> <th>RECORD</th> </tr> </thead> <tbody> <tr><td>1</td><td>1,000</td><td>2.40</td><td>PH 1000.31, CH 1, PG 12</td><td></td></tr> <tr><td>2</td><td>1,000</td><td>2.40</td><td>PH 1000.31, CH 1, PG 12</td><td></td></tr> <tr><td>3</td><td>1,000</td><td>2.40</td><td>PH 1000.31, CH 1, PG 12</td><td></td></tr> <tr><td>4</td><td>1,000</td><td>2.40</td><td>PH 1000.31, CH 1, PG 12</td><td></td></tr> <tr><td>5</td><td>1,000</td><td>2.40</td><td>PH 1000.31, CH 1, PG 12</td><td></td></tr> <tr><td>6</td><td>1,000</td><td>2.40</td><td>PH 1000.31, CH 1, PG 12</td><td></td></tr> <tr><td>7</td><td>1,000</td><td>2.40</td><td>PH 1000.31, CH 1, PG 12</td><td></td></tr> <tr><td>8</td><td>1,000</td><td>2.40</td><td>PH 1000.31, CH 1, PG 12</td><td></td></tr> <tr><td>9</td><td>1,000</td><td>2.40</td><td>PH 1000.31, CH 1, PG 12</td><td></td></tr> <tr><td>10</td><td>1,000</td><td>2.40</td><td>PH 1000.31, CH 1, PG 12</td><td></td></tr> <tr><td>11</td><td>1,000</td><td>2.40</td><td>PH 1000.31, CH 1, PG 12</td><td></td></tr> <tr><td>12</td><td>1,000</td><td>2.40</td><td>PH 1000.31, CH 1, PG 12</td><td></td></tr> <tr><td>13</td><td>1,000</td><td>2.40</td><td>PH 1000.31, CH 1, PG 12</td><td></td></tr> <tr><td>14</td><td>1,000</td><td>2.40</td><td>PH 1000.31, CH 1, PG 12</td><td></td></tr> <tr><td>15</td><td>1,000</td><td>2.40</td><td>PH 1000.31, CH 1, PG 12</td><td></td></tr> <tr><td>16</td><td>1,000</td><td>2.40</td><td>PH 1000.31, CH 1, PG 12</td><td></td></tr> <tr><td>17</td><td>1,000</td><td>2.40</td><td>PH 1000.31, CH 1, PG 12</td><td></td></tr> <tr><td>18</td><td>1,000</td><td>2.40</td><td>PH 1000.31, CH 1, PG 12</td><td></td></tr> <tr><td>19</td><td>1,000</td><td>2.40</td><td>PH 1000.31, CH 1, PG 12</td><td></td></tr> <tr><td>20</td><td>1,000</td><td>2.40</td><td>PH 1000.31, CH 1, PG 12</td><td></td></tr> <tr><td>21</td><td>1,000</td><td>2.40</td><td>PH 1000.31, CH 1, PG 12</td><td></td></tr> <tr><td>22</td><td>1,000</td><td>2.40</td><td>PH 1000.31, CH 1, PG 12</td><td></td></tr> </tbody> </table> <p>YORK HIGHLANDS RE-SUBDIVISION (REMAINING LOTS OF RECORD)</p> <table border="1"> <thead> <tr> <th>PARCEL</th> <th>PARCEL A.E.</th> <th>PARCEL ACREAGE</th> <th>PHASE</th> <th>RECORD</th> </tr> </thead> <tbody> <tr><td>Parcel A</td><td>1,000</td><td>2.40</td><td>PH 1000.31, CH 1, PG 12</td><td></td></tr> <tr><td>Parcel B</td><td>1,000</td><td>2.40</td><td>PH 1000.31, CH 1, PG 12</td><td></td></tr> <tr><td>Parcel C</td><td>1,000</td><td>2.40</td><td>PH 1000.31, CH 1, PG 12</td><td></td></tr> <tr><td>Parcel D</td><td>1,000</td><td>2.40</td><td>PH 1000.31, CH 1, PG 12</td><td></td></tr> <tr><td>Parcel E</td><td>1,000</td><td>2.40</td><td>PH 1000.31, CH 1, PG 12</td><td></td></tr> <tr><td>Parcel F</td><td>1,000</td><td>2.40</td><td>PH 1000.31, CH 1, PG 12</td><td></td></tr> <tr><td>Parcel G</td><td>1,000</td><td>2.40</td><td>PH 1000.31, CH 1, PG 12</td><td></td></tr> <tr><td>Parcel H</td><td>1,000</td><td>2.40</td><td>PH 1000.31, CH 1, PG 12</td><td></td></tr> <tr><td>Parcel I</td><td>1,000</td><td>2.40</td><td>PH 1000.31, CH 1, PG 12</td><td></td></tr> <tr><td>Parcel J</td><td>1,000</td><td>2.40</td><td>PH 1000.31, CH 1, PG 12</td><td></td></tr> <tr><td>Parcel K</td><td>1,000</td><td>2.40</td><td>PH 1000.31, CH 1, PG 12</td><td></td></tr> <tr><td>Parcel L</td><td>1,000</td><td>2.40</td><td>PH 1000.31, CH 1, PG 12</td><td></td></tr> <tr><td>Parcel M</td><td>1,000</td><td>2.40</td><td>PH 1000.31, CH 1, PG 12</td><td></td></tr> </tbody> </table>																				YORK HIGHLANDS RE-SUBDIVISION		PHASE 1-10 PRE-RE-SUBDIVISION		TOTAL LOT TOTAL A.E.		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Parcel J	1,000	2.40	PH 1000.31, CH 1, PG 12																																																																																																																																																																																																																																																	
Parcel K	1,000	2.40	PH 1000.31, CH 1, PG 12																																																																																																																																																																																																																																																	
Parcel L	1,000	2.40	PH 1000.31, CH 1, PG 12																																																																																																																																																																																																																																																	
Parcel M	1,000	2.40	PH 1000.31, CH 1, PG 12																																																																																																																																																																																																																																																	

