

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

In the matter of the application of:

Pebble Beach Company (PLN100138)

RESOLUTION NO. 12-148

Resolution by the Monterey County Board of Supervisors:

- 1) Certifying the Environmental Impact Report for the Pebble Beach Company Project; and
- 2) Adopting a Statement of Overriding Considerations.

[PLN100138, Pebble Beach Company, Pebble Beach (Assessor's Parcel Numbers 007-091-028-000, 007-091-033-000, 007-101-041-000, 007-991-001-000, 008-021-009-000, 008-022-024-000, 008-022-031-000, 008-022-032-000, 008-022-035-000, 008-031-014-000, 008-031-015-000, 008-031-019-000, 008-032-004-000, 008-032-005-000, 008-032-006-000, 008-034-001-000, 008-041-009-000, 008-163-001-000, 008-163-003-000, 008-163-005-000, 008-164-001-000, 008-165-001-000, 008-171-009-000, 008-171-022-000, 008-241-008-000, 008-242-007-000, 008-272-010-000, 008-272-011-000, 008-311-011-000, 008-312-002-000, 008-313-002-000, 008-313-003-000, 008-321-006-000, 008-321-007-000, 008-321-008-000, 008-321-009-000, 008-423-002-000, 008-423-019-000, 008-423-029-000, 008-423-030-000, 008-431-009-000, 008-561-020-000, and 008-991-001-000)], Greater Monterey Peninsula Area Plan and the Del Monte Forest Land Use Plan, Coastal Zone.

The Pebble Beach Company application (PLN100138) came on for public hearing before the Monterey County Board of Supervisors on June 19, 2012. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Board of Supervisors resolves as follows with respect to the Environmental Impact Report for the Pebble Beach Company Project:

FINDINGS

**FINDINGS FOR CERTIFICATION OF EIR AND
ADOPTION OF OVERRIDING CONSIDERATIONS**

1. **FINDING:** **CEQA (EIR)** - The final Environmental Impact Report (EIR) on the Pebble Beach Company Project has been completed in compliance with the California Environmental Quality Act (CEQA); the final EIR was presented to the Board of Supervisors of the County of Monterey, and the Board of Supervisors reviewed and considered the information contained in the final EIR prior to approving the project; and the final EIR reflects the County of

Monterey's independent judgment and analysis.

- EVIDENCE:** a) The Pebble Beach Company Project (PLN100138) ("Project") consists of multiple Combined Development Permits (CDPs) to allow the phased development and preservation of the remaining undeveloped Pebble Beach Company properties located within the Del Monte Forest. The CDPs consist of 12 vesting tentative maps for the subdivision of approximately 899.6 acres, resulting in the creation of 90 to 100 single-family residential lots, the renovation and expansion of visitor serving uses, and the preservation of 635 acres as forested open space. The CDPs include multiple Coastal Development Permits, Coastal Administrative Permits, and Design Approvals to allow: new structural development at four primary sites (The Lodge at Pebble Beach, The Inn at Spanish Bay, Spyglass Hill, and the Pebble Beach Equestrian Center); new and amended General Development Plans at five locations; lot line adjustments; structural and hardscape development, including associated grading; development within 100 feet of environmentally sensitive habitat (ESHA); development on slope exceeding 30 percent; tree removal; and development within 750 feet of a known archaeological resource.
- b) CEQA requires preparation of an environmental impact report if there is substantial evidence in light of the whole record that the project may have a significant effect on the environment.
- c) The Environmental Impact Report ("EIR") for the Pebble Beach Company application (PLN100138) was prepared in accordance with CEQA. The Draft EIR (DEIR) circulated for public review from November 14, 2011 through January 9, 2012 (SCH#: 2011041028).
- d) Issues that were analyzed in the DEIR include Aesthetics, Air Quality, Biological Resources, Climate Change, Cultural Resources, Geology, Seismicity & Soils, Hydrology & Water Quality, Land Use & Recreation, Noise & Vibration, Transportation & Circulation, Public Services & Utilities, and Water Supply & Demand. The DEIR identified potential significant impacts that are either less than significant or can be mitigated to less than significant levels on Aesthetics, Air Quality, Biological Resources, Climate Change, Cultural Resources, Geology, Seismicity & Soils, Hydrology & Water Quality, Land Use & Recreation, Noise & Vibration, Transportation & Circulation, and Public Services & Utilities. The DEIR identified significant impacts on Air Quality, Transportation & Circulation, and Water Supply & Demand that cannot be mitigated to less than significant levels.
- e) The County prepared "Comments, Responses to Comments, and Revisions to the draft EIR" for the Pebble Beach Company Project. The Responses to Comments respond to comments that were received during the DEIR circulation period. The Responses to Comments document was released to the public on April 3, 2012 and responds to all significant environmental points raised by persons and organizations that commented on the DEIR. Errata to the FEIR were distributed to the public in May 2012. Together, the DEIR, the revisions to the DEIR, the comments of persons and organizations commenting on the DEIR and a list of all such persons and organizations, the responses to the comments, the May 2012 errata, and other information added by the County constitute the final Environmental Impact Report ("FEIR") on the project.
- f) On April 9, 2012, the Subdivision Committee held a duly noticed public

hearing to consider the Project and recommended approval. On May 30, 2012, the Planning Commission held a duly noticed public hearing to consider the Project. The Planning Commission reviewed and considered the Final EIR and recommended that the Board of Supervisors certify the EIR and approve the project, subject to an additional recommendation for the Board to consider regarding inclusionary housing.

- g) The Monterey County Planning Department, located at 168 W. Alisal, Second Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to certify the EIR is based.

2. **FINDING:**

ENVIRONMENTAL IMPACTS OF THE PROJECT – The Project consists of separate project components that are analyzed in the EIR. These components consist of: (1) Improvements to The Lodge at Pebble Beach; (2) Improvements to The Inn at Spanish Bay; (3) Improvements to Collins Field, the Equestrian Center, and the Special Events Area; (4) in Area M, construction of a 100 unit hotel with associated facilities and a spa or, alternatively, a 10 lot residential subdivision; (5) nine residential subdivisions; (6) Roadway Improvements; (7) Trail Improvements and (8) Infrastructure Improvements. Each of these components has distinct environmental impacts with distinct mitigation measures, although many components have the same environmental impacts and mitigation measures in certain environmental areas of analysis. Attachment 1 [Table ES-3 from the DEIR, amplified to incorporate the FEIR revisions], which is attached to this resolution and incorporated herein by reference, lists and summarizes the potential significant environmental impacts of the Project and mitigation measures that apply to each component, and the findings with respect to them are set forth below. As described in these findings and in the Final EIR, the mitigation measures avoid or substantially lessen the significant environmental effects to less than significant levels (see Finding 3), or, for impacts identified as significant and unavoidable, all feasible mitigation measures have been incorporated, but even with such mitigation, the impacts remain significant (see Finding 4).

- EVIDENCE:** a) See Findings 3 and 4.
 b) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN100138.
 c) Pebble Beach Company Final EIR.
 d) Table ES-3 from the draft EIR and as revised in the final EIR, attached hereto as Attachment 1.

3. **FINDING:**

POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS IDENTIFIED IN THE EIR THAT ARE REDUCED TO A LEVEL OF "LESS THAN SIGNIFICANT" BY THE MITIGATION MEASURES IDENTIFIED IN THE EIR AND ADOPTED FOR THE PROJECT – Per Public Resources Code section 21081(a)(1), changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment.

- EVIDENCE:** a) The EIR identified potentially significant impacts to Aesthetics, Air Quality, Biological Resources, Climate Change, Cultural Resources, Geology, Seismicity & Soils, Hydrology & Water Quality, Land Use &

Recreation, Noise & Vibration, Transportation & Circulation, and Public Services & Utilities which could result from all components of Project. These impacts will be mitigated to a less than significant level with incorporation of mitigation measures from the EIR into the conditions of project approval. By separate action following certification of the EIR, the Board is to consider project approval subject to conditions of approval that incorporate the proposed mitigation. (See Resolution No. 12-149, project resolution before the Board of Supervisors on June 19, 2012.)

- b) Aesthetics. Potentially significant impacts on aesthetics have been mitigated to less than significant levels through mitigation measures that incorporate design features, landscaping requirements, and light & glare reduction measures in design plans for all development sites that involve construction of new visitor-serving structures or modification of existing visitor-serving structures and preparation of landscape plans for the SR1/SR 68/17-Mile Drive intersection. The Mitigation Measures from the DEIR are: AES-A1, AES-A2, and AES-C1. In the FEIR, Mitigation Measure AES-A1 has been revised to include the selection of exterior paint colors, which are consistent with the visual character of existing visitor-serving buildings located on the site. The revised measures are equivalent or more effective in mitigating or avoiding potential significant effects and they will not cause any potentially significant effect on the environment because the careful selection of paint color helps to ensure building aesthetics fit within the local color palette and does not result in any secondary effects on the environment. See Section 3.1 of the Pebble Beach Company Draft EIR and Chapter 4 of the Pebble Beach Company Final EIR.
- c) Air Quality. Potentially significant air quality impacts to sensitive receptors from exposure to objectionable odors from the Equestrian Center have been mitigated to a less than significant level through a mitigation measure that requires the preparation and implementation of a manure management plan. Additional potentially significant impacts to air quality that are significant and unavoidable that would not be mitigated to a less than significant level are discussed in Finding 4. The Mitigation Measures from the DEIR are: AQ-C1, AQ-C2, AQ-D1, and AQ-E1. In the FEIR, Mitigation Measure AQ-C2 has been revised to include the installation of Level 3 diesel particulate filters (DPFs) capable of achieving an 85% reduction in PM₁₀ exhaust emissions. Mitigation Measure AQ-D1 has been deleted and text has been added to AQ-C2. The revised measures are equivalent or more effective in mitigating or avoiding potential significant effects and they will not cause any potentially significant effect on the environment because the changes only consolidated the mitigation requirements into a single measure without any removal of mitigation requirements. See Section 3.2 of the Pebble Beach Company Draft EIR and Chapter 4 of the Pebble Beach Company Final EIR.
- d) Biological Resources. Potentially significant impacts on biological resources have been mitigated to a less than significant level through mitigation measures that require development and implementation of site-specific resource management plans for each preservation area; dedication of conservation easements to the Del Monte Forest Foundation; dedication of additional area of undeveloped Monterey pine forest; avoidance of or compensation for the loss of wetlands; maintenance and enhancement of Yadon's piperia, Gowen cypress, Pacific Grove clover and Hickman's

potentilla habitats; minimization of habitat disturbance during trail construction; pre-construction surveys for pine rose, California red-legged frog (CRLF), raptors, legless lizard, and Dusky-footed woodrats; design of new red-legged frog breeding habitat; retention of dead trees or snags as bat roosting habitat; and protection of retained trees from construction disturbance. The Mitigation Measures from the DEIR are: BIO-A1, BIO-A2, BIO-B1(C)¹, BIO-B2, BIO-B3, BIO-C1, BIO-D1 to D7, BIO-E1, BIO-E2, BIO-E5 to E7, BIO-G1, BIO-I1, BIO-J1, and BIO-J2. Additional Mitigation Measures that minimize impacts to wetlands and special status species include HYD-A1, HYD-A2, HYD-C1 to C3, GSS-C1, and GSS-D1. See Evidence g) and h) in this Finding. In the FEIR, Mitigation Measure BIO-A1 has been revised to include a prohibition of the use of invasive non-native species for landscaping in any project locations adjacent to preservation areas; to provide education on invasive non-native species to residents; and to require outside lighting in the Area B Employee Parking Lot to be directed downward and inward away from the adjacent preservation area. BIO-E1 has been revised to clarify that red-legged frog preconstruction survey areas be determined by a biologist and that exclusion fencing be provided in the Equestrian Center work area. BIO-E2 has been modified to include creation of red-legged frog breeding ponds in the Seal Rock Watershed. BIO-I2 has been revised to clarify the dates of the raptor breeding season. The revised measures are equivalent or more effective in mitigating or avoiding potential significant effects and they will not cause any potentially significant effect on the environment for the following reasons: BIO-A1 will provide for increased protection of preservation areas from non-native species; BIO-E1 will ensure that preconstruction clearance surveys and red-legged frog protections will be applied at the Equestrian Center; BIO-E2 will still require red-legged frog breeding pond creation but will allow flexibility in location as long as the new ponds are within the Seal Rock Watershed which is the center of red-legged frog population in the Del Monte Forest; and BIO-I2 has only been clarified in regard to the dates for the application of breeding season requirements. See Section 3.3 of the Pebble Beach Company Draft EIR and Chapter 4 of the Pebble Beach Company Final EIR.

- e) Climate Change. Potentially significant impacts to climate change have been mitigated to a less than significant level through mitigation measures that require implementation of best management practices for greenhouse gas (GHG) emissions during construction; a reduction of annual GHG emissions by 24% relative to business as usual; and validation of GHG emission offset value of preserving Monterey pine forest designated for development. The Mitigation Measures from the DEIR are: CC-A1, CC-A2-A, and CC-A2-B. In the FEIR, Mitigation Measure CC-A2-A has been revised to clarify that the project shall reduce annual greenhouse gas emissions by 24% relative to business as usual; to require the mitigation for the one-time emissions associated with tree removal and loss of associated carbon stock; to clarify the provisions required in the GHG Reduction Plan; and to clarify the operational GHG emissions reductions for project Options 1 and 2. CC-A2-B has been revised to clarify the GHG significance

¹ The (C) at the end of the mitigation measure refers to a mitigation measure that addresses a significant cumulative impact.

threshold of 24%; and to clarify the potential mitigated GHG emissions assuming 100 percent validation of forest preservation offset credit for preserved forest. The revised measures are equivalent or more effective in mitigating or avoiding potential significant effects and they will not cause any potentially significant effect on the environment because the revised mitigation measures still require reduction of greenhouse gas emissions in parallel to that necessary in the County overall consistent with AB 32. Mitigation for one-time losses has been clarified to ensure that such mitigation is provided. Other clarifications have been provided to ensure that mitigation overall results in the reductions necessary to meet the required performance standard without decreasing any effectiveness. See Section 3.4 of the Pebble Beach Company Draft EIR and Chapter 4 of the Pebble Beach Company Final EIR.

- f) Cultural Resources. Potentially significant impacts to cultural resources have been mitigated to a less than significant level through mitigation measures that require training for construction workers prior to ground disturbance activities and stopping work if buried cultural deposits, human remains, or vertebrate fossils are encountered during ground disturbance activities. The Mitigation Measures from the DEIR are: CR-B1, CR-B2, and CR-D1. In the FEIR, Mitigation Measure CR-B1 has been revised to clarify that training is required for construction personnel involved in grading and other ground-disturbing activities. The revised measures are equivalent or more effective in mitigating or avoiding potential significant effects and they will not cause any potentially significant effect on the environment because the revisions only clarify that training applies specifically to the construction workers involved in work that could affect cultural resources (and not to workers not involved in such work). See Section 3.5 of the Pebble Beach Company Draft EIR and Chapter 4 of the Pebble Beach Company Final EIR.
- g) Geology, Seismicity, & Soils. Potentially significant impacts to geology, seismicity, and soils have been mitigated to a less than significant level through mitigation measures that require inclusion of recommendations contained in geologic and geotechnical reports in the final design and construction specifications; preparation and implementation of erosion and sediment control plans; de-watering of excavations and shoring of temporary cuts during construction of underground facilities; and a Phase II investigation and remedial action, if warranted, at the Corporation Yard. The Mitigation Measures from the DEIR are: GSS-A1, GSS-C1, GSS-D1, GSS-E1, and GSS-E2. Additional Mitigation Measures that minimize impacts to construction in areas of unconsolidated fill include HYD-A1 and HYD-A2. See Evidence h) in this Finding. In the FEIR, Mitigation Measure GSS-A1 has been revised to clarify the setbacks for structural foundation elements for Area K under Slope Stability. GSS-C1 has been revised to correct a typographical error reference to Section 3.7, Hydrology and Water Quality. The revised measures are equivalent or more effective in mitigating or avoiding potential significant effects and they will not cause any potentially significant effect on the environment because the revisions only clarify the mitigation requirements and do not decrease any mitigation requirements. See Section 3.6 of the Pebble Beach Company Draft EIR and Chapter 4 of the Pebble Beach Company Final EIR.
- h) Hydrology & Water Quality. Potentially significant impacts to hydrology

and water quality have been mitigated to a less than significant level through mitigation measures that require on-site detention of stormwater at development sites; oil/grease separators at parking lots; preparation and implementation of a final drainage plan; maintenance and monitoring of drainage and flood control facilities; preparation and implementation of a SWPPP during construction and an Integrated Pest Management Program for the driving range; and inspection and maintenance of drainage facilities to ensure function and minimize discharge of pollutants. The Mitigation Measures from the DEIR are: HYD-A1, HYD-A2, and HYD-C1 to HYD-C3. Additional Mitigation Measures that minimize impacts to surface water quality include GSS-C1 and GSS-D1. See Evidence g) in this Finding. See Section 3.7 of the Pebble Beach Company Draft EIR.

- i) Land Use & Recreation. Potentially significant impacts to land use and recreation have been mitigated to a less than significant level through a mitigation measure that requires preparation and implementation of a manure management plan in Mitigation Measure AQ-E1. See Evidence c) in this Finding. See Section 3.8 of the Pebble Beach Company Draft EIR.
- j) Noise & Vibration. Potentially significant impacts of noise and vibration have been mitigated to a less than significant level through mitigation measures that require noise-reducing treatments on parking structure fan systems; limitations on hours of construction; location of equipment from sensitive receptors as far as practicable; shielding, shrouding, or use of sound-control devices on equipment; shutting off equipment when not in use; using short travel routes; and disseminating essential construction schedule information to residents including complaint contact numbers and relocation provisions. The Mitigation Measures from the DEIR are: NOI-A1, NOI-B1 to B8, and NOI-C1. See Section 3.9 of the Pebble Beach Company Draft EIR.
- k) Public Services & Utilities. Potentially significant impacts on public services and utilities have been mitigated to a less than significant level through mitigation measures that require implementation of vegetation management plans and maintenance in high-risk fire areas; implementation of fire safety precautions when performing maintenance on open space areas; improved water flow to ensure proper fire flow; and coordination with utility service providers to reduce service interruptions during construction. The Mitigation Measures from the DEIR are: PSU-C1 to C3 and PSU-F1. See Section 3.10 of the Pebble Beach Company Draft EIR.
- l) Transportation & Circulation. Potentially significant impacts on transportation and circulation have been mitigated to a less than significant level through mitigation measures that require compliance with the Del Monte Forest Transportation Policy Agreement; changes to roadway design or internal circulation patterns at The Lodge at Pebble Beach, the Colton Building, The Inn at Spanish Bay, and the Pebble Beach Links Driving Range; preparation and implementation of an alternative transportation plan and expansion of shuttle and valet systems; and stenciling the word "route" after the bicycle symbols on the designated route for bicycling between the Pacific Grove Gate and Stevenson Drive at Ondulado Road. Additional potentially significant impacts on transportation and circulation that are significant and unavoidable that would not be mitigated to a less than significant level are discussed in Finding 4. The Mitigation Measures from the DEIR are: TRA-A1 to A4, TRA-C1 to C5, TRA-C6(C) to C10(C),

TRA-D1 to D10; TRA-G1, TRA-G2, and TRA-H1. In the FEIR, Mitigation Measure TRA-C2 has been revised to include the modifications to the SR 68 Widening project as modified by the City of Monterey's Condition of Approval #19 for the CHOMP expansion permit. TRA-C4 has been revised to clarify that the calculation of the regional impact fee shall take into account the direct fair share for impacts noted in TRA-C2 relative to the Highway 68 Widening Project and any payments made by the Applicant for construction of Phase 1B improvement. TRA-G1 has been revised to clarify that the alternative transportation plan must also identify a reporting and enforcement mechanism. TRA-C6(C), TRA-C7(C), and TRA-C9(C) have been revised to clarify the estimated share of impact and estimated mitigation fair-share fee. TRA-C8(C) has been revised to include the modifications made in TRA-C2 and to clarify the estimated mitigation fair-share contribution. The revised measures are equivalent or more effective in mitigating or avoiding potential significant effects and they will not cause any potentially significant effect on the environment for the following reasons: revisions to TRA-C2 provide for a modification that will still result in the subject intersections meeting level of service standards; TRA-C4 has only been clarified in terms of calculation of fair-share payments; TRA-G1 has been enhanced by adding reporting and enforcement requirements; and other measures have only been clarified in terms of the estimated mitigation fee amount. See Section 3.11 of the Pebble Beach Company Draft EIR and Chapter 4 of the Pebble Beach Company Final EIR.

- m) The revisions to mitigation measures were considered at a public hearing at the Subdivision Committee on April 9, 2012, at the Planning Commission's hearing on May 30, 2012, and at the Board of Supervisors' hearing on June 19, 2012. The mitigation measures and any revisions to such measures as described herein are made conditions of project approval.
- n) Pebble Beach Company Final EIR.

4. **FINDING:**

SIGNIFICANT UNAVOIDABLE ADVERSE IMPACTS – The EIR identified potentially significant impacts to Air Quality, Transportation & Circulation, and Water Supply & Demand, which could result from the project. Mitigation measures have been identified which reduce some of these impacts but not to a level of insignificance. By separate action following certification of the EIR, the Board is to consider project approval subject to conditions of approval that incorporate the proposed mitigation measures. (See Resolution No. 12-149, project resolution before the Board of Supervisors on June 19, 2012.) Even with incorporation of mitigation measures from the EIR into the conditions of project approval, these impacts are significant and unavoidable and would not be mitigated to a less than significant level. Per Public Resources Code section 21081(a)(3), specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible additional mitigation.

EVIDENCE: a)

Air Quality. The DEIR identified potentially significant impacts to air quality from construction-related fugitive dust and construction-related exhaust emissions. Impacts will be reduced in severity with the implementation of mitigation measures AQ-C1, AQ-C2, and AQ-E1; the proposed project would result in a short-term increase in PM₁₀ emissions

due to grading and construction. Even with the implementation of mitigation measures to control fugitive dust and construction-related exhaust emissions during project construction, the proposed project would still exceed the Monterey Bay Unified Air Pollution Control District's significance threshold of 82 pounds/day with a maximum PM₁₀ of approximately 550 pounds/day expected to occur in March 2014 based on the DEIR assumptions of the construction schedule. This is a short-term, construction-related environmental impact. There is no feasible additional mitigation to further reduce this impact.

- b) Transportation & Circulation. The DEIR identified potentially significant impacts and cumulative impacts to traffic during project construction. The construction traffic and workers for the proposed project would add traffic to locations that are already experiencing deficient traffic operations. This is considered a potentially significant impact at all development sites, but is reduced in severity with the implementation of mitigation measures TRA-A1 to TRA-A4. However, even with mitigation, it is possible that construction traffic may exacerbate existing unacceptable conditions on certain roadways outside Del Monte Forest and thus the project's contribution to cumulative traffic impacts during construction is considered significant and unavoidable. This is a short-term, construction-related environmental impact. There is no feasible additional mitigation to further reduce this impact.
- c) Transportation & Circulation. The DEIR identified potentially significant impacts to roadway intersections and regional highway sections during project operations. The traffic analysis for the proposed project shows that three intersections during AM and PM peak hour are expected to experience a significant impact under 2015 with-project conditions:
- SR 68/Skyline Forest Drive: This unsignalized intersection currently operates at LOS F. Mitigation Measure TRA-C1 requires the project to pay fair share contribution to improvements at the intersection. With construction of the improvements identified in this measure, the intersection would improve to LOS A. This impact remains significant and unavoidable during the period between when the impact occurs and when the improvement is actually built.
 - SR 68/Carmel Hill Professional Center: This unsignalized intersection currently operates at LOS F. Mitigation Measure TRA-C2 requires the project to pay fair share contribution to construct the full SR 68 Widening Project. With construction of the improvements identified in this measure, the intersection would improve to LOS A at the best AM and PM peak hour movements, improve to LOS C with the worst AM peak hour movement, and remain at LOS F with the worst PM peak hour movement. This represents an improvement over existing conditions. This impact remains significant and unavoidable during the period between when the impact occurs and when the improvement is actually built.
 - SR 1 /Ocean Avenue: This signalized intersection currently operates at an acceptable LOS C during the weekday AM peak hour and an unacceptable LOS D in the PM peak hour. The intersection will operate at LOS D during the weekday AM and PM peak hours under 2015 with-project conditions. Mitigation Measure TRA-C3 requires the project to pay fair share contribution to improvements at the

intersection. With construction of the improvements identified in this measure, the intersection would improve to LOS C in the AM and PM peak hours. This impact remains significant and unavoidable during the period between when the impact occurs and when the improvement is actually built.

- d) Transportation & Circulation. The DEIR identified potentially significant impacts to regional highway sections during project operations. The traffic analysis for the proposed project shows that three regional highway sections during AM and PM peak hour and two regional highway sections during the PM peak hour are expected to experience a significant impact under 2015 with-project conditions:

- SR 1 from Munras Street to Fremont Street (PM peak hour);
- SR 1 from Fremont Street to Fremont Boulevard (AM & PM peak hours);
- SR 1 north of SR 156 (AM & PM peak hours);
- SR 68 east of Laguna Seca Recreation Area (AM & PM peak hours);
- SR 156 from SR 1 to US 101 (PM peak hour).

Mitigation Measure TRA-C4 requires the project to pay fair share contribution to improvements to SR 1, SR 68, and SR 156 based on the conditions described in the Transportation Agency for Monterey County's Regional Development Impact Fee Program. Even with implementation of the measure, this impact remains significant and unavoidable because of the uncertainty of funding to construct all of the needed improvements. This impact would also be significant and unavoidable between the completion of proposed project construction and the completion of regional highway improvements included in the TAMC regional program.

- e) Transportation & Circulation. The DEIR identified potentially significant impacts and cumulative impacts to the SR 1 northbound on-ramp merge from SR 68 (west). With the project, the ramp would deteriorate from LOS C to LOS D under existing conditions and would operate at LOS E during the PM peak hour under cumulative plus project conditions. Mitigation Measure TRA-C5 requires the project to pay fair share contribution to the improvement. With construction of this measure, the ramp would improve to LOS B and LOS C during AM and PM peak hours, respectively. This impact remains significant and unavoidable during the period between when the impact occurs and when the improvement is actually built.

- f) Transportation & Circulation. The DEIR identified potentially significant cumulative impacts to roadway intersections and segments. The traffic analysis for the proposed project shows that four intersections during AM peak hour and seven intersections during PM peak hour are expected to experience a significant impact under cumulative 2030 with-project conditions:

- Sunset Drive (SR 68)/Congress Road (AM & PM peak hour): This intersection is expected to deteriorate from an acceptable to an unacceptable LOS in 2030 with the project's contribution. Mitigation Measure TRA-C6(C) requires the project to pay fair share contribution to the improvement. With construction of this measure, the intersection would improve to LOS C. This impact remains significant and unavoidable during the period between when the

impact occurs and when the improvement is actually built.

- Forest Avenue (SR 68)/David Avenue (PM peak hour): This signalized intersection operates at LOS D and the project will increase in the intersection's critical movement V/C ratio in 2030. Mitigation Measure TRA-C7(C) requires the project to pay fair share contribution to the improvement. With construction of this measure, the intersection would improve to LOS C. This impact remains significant and unavoidable during the period between when the impact occurs and when the improvement is actually built.
- SR 68/Skyline Forest Drive (AM & PM peak hour): See Evidence c in this Finding.
- SR 68/Carmel Hill Professional Center (AM & PM peak hour): This unsignalized intersection currently operates at LOS F. Mitigation Measure TRA-C2 requires the project to pay fair share contribution to construct the full SR 68 Widening Project. With construction of this measure, the intersection would improve to LOS C under cumulative conditions. This impact remains significant and unavoidable during the period between when the impact occurs and when the improvement is actually built.
- SR 68/SR 1 Southbound Off-Ramp (AM & PM peak hour): This signalized intersection currently operates at an unacceptable LOS F. Mitigation Measure TRA-C8(C) requires the project to pay fair share contribution to the improvement. This impact remains significant and unavoidable during the period between when the impact occurs and when the improvement is actually built.
- SR 68/Aguajito Road (PM peak hour): This unsignalized intersection currently operates at LOS E and F. Mitigation Measure TRA-C9(C) requires the project to pay fair share contribution to the improvement at the intersection. This impact remains significant and unavoidable during the period between when the impact occurs and when the improvement is actually built.
- SR 1 /Carpenter Street (PM peak hour): This signalized intersection is expected to continue to operate at LOS E and the project will increase in the intersection's critical movement V/C ratio in 2030. Mitigation Measure TRA-C10(C) requires the project to pay fair share contribution to the improvement. Construction of this measure would offset the impact of the proposed project, but the deficiency would remain. This impact would also remain significant and unavoidable during the period between when the impact occurs and when the improvement is actually built.

g) Transportation & Circulation. The DEIR identified potentially significant cumulative impacts to regional highway sections during project operations. The traffic analysis for the proposed project shows that regional highway sections during AM and/or PM peak hour are expected to experience a significant cumulative impact under 2030 with-project conditions:

- SR 1 from SR 68 (west) to Munras Avenue (AM peak hour).
- SR 1 from Munras Avenue to Fremont Street (AM and PM peak hours).
- SR1 from Fremont Boulevard to Imjin Parkway (PM peak hour)
- SR 1 north of SR 156 (AM peak hour).

- SR 68 east of Olmsted (AM and PM peak hours)
- US 101 north of SR 156 (PM peak hour).
- SR 1 from SR 68 (west) to Munras Avenue (PM peak hour).
- SR 1 from Fremont Street to Fremont Boulevard (AM and PM peak hours).
- SR 1 north of SR 156 (AM and PM peak hours).
- SR 68 west of Skyline Forest Drive (AM and PM peak hours).
- SR 68 east of Laguna Seca Recreation Area (AM and PM peak hours).
- SR 156 from SR 1 to US 101 (PM peak hour).

Mitigation Measure TRA-C4 requires the project to pay fair share contribution to improvements to SR 1, SR 68, and SR 156 based on the conditions described in TAMC's RDIF Program. Even with implementation of the measure, this impact remains significant and unavoidable because of the uncertainty of funding to construct all of the needed improvements. This impact would also be significant and unavoidable between the completion of proposed project construction and the completion of regional highway improvements included in the TAMC regional program.

- h) Water Supply & Demand. The DEIR identified potentially significant impacts and cumulative impacts to water supply and demand. The project's water demand would represent an increase in water use above the 2011 Existing Conditions, but would be within the Applicant's current entitlement and could be legally supplied by California American Water (Cal-Am) through 2016. However, given the current uncertain nature of regional water supplies, the additional project water demand could intensify water supply shortfalls and rationing starting in 2017, if the Regional Project (or its equivalent) is not built by then. The project could obtain water in 2017 and thereafter if the Regional Project (or its equivalent) is not completed by then, but would be subject to deep rationing and would intensify the level of rationing for existing users which is considered a significant unavoidable water supply impact. However, it may take many years before the project's full water demand is realized, in particular due to residential demand as it may take many years before all of the project's proposed lots are actually built out and their water demands come on line. The same is true for new cumulative water demand related to the Applicant's sale of a portion of its water entitlement (as of Fall 2011, while 117 acre-feet (AF) of the entitlement had been sold to other parties, only 30 AF was actually in use). Thus, in the short and near-term, the estimates of project and other entitlement demand likely overstate the demand that will actually occur, and thus provide a worst-case analysis of potential impacts.
- i) Water Supply & Demand. The DEIR identified potentially significant impacts to water infrastructure capacity. Local water infrastructure is included to serve the proposed project and existing supply infrastructure outside the project area is adequate to serve the project through 2016. The Regional Project (or its equivalent) will need to be built by 2017 to serve existing demand and the increase in demand from the project. Regional water supply infrastructure and operations will have secondary

environmental impacts and the project would indirectly contribute to these secondary physical impacts on the environment because the project would add additional demand for new regional water supply infrastructure. This is considered a significant and unavoidable impact. For the Regional Project, the California Public Utilities Commission has documented the reasons why further mitigation is not available to reduce identified significant and unavoidable impacts.

- j) Water Supply & Demand. The DEIR identified potentially significant impacts to Carmel River biological resources. The project's water demand would result in increased withdrawals from the Carmel River through 2016 and thus would have a significant and unavoidable impact on Carmel River biological resources. After 2017, the State Water Resources Control Board (SWRCB) mandated reductions in Cal-Am withdrawals from the Carmel River will not be changed by the project demand. After 2016, SWRCB Order WR95-10 and Order WR2009-0060 will result in a substantial reduction in Cal-Am withdrawals from the Carmel River. Because the SWRCB orders cap the amount that Cal-Am can withdraw from the Carmel River, the potential provision of water from the river to the project from either the Carmel River or from the Regional Project (or an equivalent) would not result in any change in the amount of Cal-Am withdrawals from the Carmel River. Thus, the project would not have a significant impact on biological resources in the Carmel River after 2016.
- k) Water Supply & Demand. In 2012, there have been several proposals developed to provide alternatives to the former Regional Water Supply Project. Cal-Am submitted an application to the California Public Utilities Commission (CPUC) in April 2012 for a multi-source water supply project that would provide the same amount of water as Phase 1 of the Regional Project (15,200 AFY) through a desalination project (5,500 AFY, expandable to 9,000 AFY), increased aquifer storage and recovery (1,300 AFY), and water purchase from the Monterey Peninsula Water Management District/Monterey Regional Water Pollution Control Agency (MPWMD/MRWPCA) Groundwater Replenishment Project (3,500 FY). Cal-Am is partnering with the MPWMD (for the aquifer storage and recovery element) and the MRWPCA (for the groundwater recharge element). The Cal-Am project has not yet completed its environmental analysis, although the prior CPUC EIR did evaluate impacts associated with all three sources of water proposed in the new project. Nader Agha, a private developer, has also proposed an alternative desalination project, referred to as the "People's Moss Landing Desalination Project", which consists of a desalination project, located at Moss Landing, that would be capable of producing up to 10,700 AFY of water. The City of Pacific Grove has recently decided to partner with Mr. Agha on the project. Mr. Agha's project has not yet gone through environmental review. Because these alternatives to the Regional Water Supply Project have not undergone environmental review, it is premature to identify the specific project-level impacts of these alternatives. The CPUC EIR disclosed, in general, the potential environmental impacts of desalination, aquifer storage and recovery, and groundwater replenishment but did not specifically evaluate the new Cal-Am proposal or Mr. Agha's proposal.

The Draft EIR for the Pebble Beach project discloses that the Regional

Water Supply Project faced substantial obstacles to implementation and that an alternative water supply project may be necessary in order to provide the Monterey Peninsula with water, including water for the proposed Pebble Beach project. The Draft EIR also discloses that there may be significant unavoidable secondary impacts of such water supply project infrastructure and also discloses the potential impacts on water rationing if an alternative water supply is not developed by 2017. Thus, the EIR for the Pebble Beach project appropriately discloses the general potential secondary impacts of alternative water supply infrastructure to the extent that they have been evaluated to date and discloses potential significant and unavoidable impacts if the alternative water supply projects are not built prior to a potential cutoff of Cal-Am's illegal supply from the Carmel River in 2017.

1) Pebble Beach Company Final EIR.

5. **FINDING:** **MITIGATION MONITORING PROGRAM** - Per Public Resources Code section 21081.6, the County of Monterey shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.
- EVIDENCE:**
- a) In recommending approval of the project, the Planning Commission recommended that the Board of Supervisors adopt a Mitigation Monitoring and Reporting Plan for the project.
 - b) At the June 19, 2012 hearing at the Board of Supervisors, in addition to certifying the EIR, the Board is considering adoption of a resolution to approve the project and adopt a Mitigation Monitoring Program (MMRP), and adoption of the MMRP would be part of the project approval. (Board of Supervisors Resolution No. 12-149 for the project) The mitigation measures identified in the final EIR are incorporated as conditions of approval and are included in Attachment 2 of Board of Supervisors Resolution No. 12-0149 for the project.
 - c) The Applicant/Owner of the project will be required to enter into an "Agreement to Implement a Mitigation Monitoring and Reporting Plan" as a condition of approval for the project.
 - d) The mitigation measures incorporated into and imposed on the project, including mitigation measures that were revised in the FEIR, will not have new significant environmental impacts that were not already analyzed in the FEIR for the project.
 - e) See Finding 3.
 - f) Pebble Beach Company Final EIR.
 - g) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN100138.
6. **FINDING:** **ALTERNATIVES TO THE PROPOSED PROJECT** - There are no feasible alternatives that would avoid the project's significant unavoidable environmental effects. The EIR identified that the project would have significant and unavoidable effects to Air Quality (during construction only), Transportation, and Water Supply. While the EIR analyzed a reasonable range of alternatives that reduce or lessen the unavoidable impacts of the Project, the EIR concluded there were no feasible

alternatives that would reduce all significant and unavoidable impacts to a less than significant level. Because the alternatives do not reduce the significant unavoidable impacts to a less than significant level, the County does not choose to adopt the Alternatives analyzed in the EIR, except Alternative 3, which is described below. Alternative 3 has been incorporated into the Project.

- EVIDENCE:**
- a) Per Public Resources Code section 21001, agencies should not adopt projects as proposed if there are feasible alternatives which would substantially lessen significant environmental effects of a project to a less than significant level. No such feasible alternatives were identified.
 - b) The draft EIR in Chapter 4, pages 4-1 through 4-7, identifies the Significant and Unavoidable Impacts of the project related to Air Quality, Transportation and Circulation, and Water Supply and Demand.
 - c) Final EIR Table 5-3 identifies that the project alternatives analyzed in the EIR do not avoid significant effects. As described in the EIR, project alternatives do not reduce the Significant and Unavoidable impacts to Air Quality, Transportation and Circulation, and Water Supply and Demand. Any Alternative that allows additional traffic or water use will contribute to the Significant and Unavoidable impacts to Transportation and Circulation, and Water Supply and Demand.
 - d) Specific economic, legal, social, technological, or other considerations make infeasible alternatives that would lessen the significant unavoidable impacts of the project. The Coastal Commission staff report and decision provide evidence of economic and legal infeasibility. As stated in the Coastal Commission staff report, “the PBC Concept Plan is a good compromise plan that protects coastal resources and provides for priority visitor-serving development, while recognizing some remaining development potential of PBC’s undeveloped land. Most significant, the Concept Plan will result in the permanent preservation and management of 635 acres of sensitive native Monterey pine forest, and it includes significant improvements to existing public recreational access facilities, including the Del Monte Forest trail system, and overall public access management in the Del Monte Forest.” As stated below, the Local Coastal Program Amendment and Concept Plan resolve many years of controversy (see Finding 7) and resolves disputes and potential litigation concerning the build out of the Del Monte Forest. The Coastal Commission’s approval of the Local Coastal Program Amendment recognized the balancing of allowing development in or immediately adjacent to existing developed areas, while preserving hundreds of additional acres of significant habitat in perpetuity. No other project Alternative analyzed in the EIR would accomplish that result. Some of the components of the Alternatives could be inconsistent with the certified and adopted Local Coastal Program Amendment and upset the compromise that has now been achieved to provide a balance between allowing development along and within disturbed areas while preserving significant areas of biological resources. As the Coastal Commission concluded, “there are no feasible alternatives that would achieve all of the goals of the proposal without violating a [Del Monte Forest Land Use Plan] Chapter 3 policy.” (page 110.)

See the California Coastal Commission decision resulting from the May 9, 2012 public hearing for Monterey County Major Amendment Number 1-12

- Part 1 (Del Monte Forest Update and Pebble Beach Company Concept Plan), including but not limited to Sections 1.A, 2.A, 2.D, and 2.D.2.G. Section 1.A describes the history of development applications for the Pebble Beach Company property, the balance achieved by the compromise plan, and that the Concept Plan provides certainty for the future development of these land holdings, essentially buildout of Del Monte Forest, and the preservation of significant resource areas. Section 2.A describes the history of previous development applications that led to litigation and this compromise Concept Plan. Section 2.D provides the analysis for the Local Coastal Program Amendment, concluding that the proposed amendments and Concept Plan, on balance provide for better protection of coastal resources. Section 2.D.2.G describes the Conflict Resolution provisions of the Coastal Act and an analysis of the Local Coastal Program Amendment in light of those provisions. This section also points out that the Concept Plan “avoided the largest pieces of undeveloped habitat” and that “the areas proposed for residential development were carefully selected based on their locations adjacent to roads and areas of heavy use (golf courses and neighborhoods), and the fact that they are less sensitive, relatively speaking, than the identified preservation areas.” That section also went through an analysis of project alternatives and describes that, due to infeasibility of the alternatives, adoption of one of the alternatives would likely lead to litigation on Measure A (page 108).
- e) Chapter 5 of the Draft EIR, as amplified by the FEIR, analyzes a reasonable range of alternatives. The Draft EIR explains why there are no feasible alternatives that reduce identified significant and unavoidable effects (Air Quality, Transportation and Circulation, and Water Supply and Demand) to a less than significant level. (DEIR pages 5-5, 5-13, 5-16, 5-18, 5-21, 5-22, 5-23, 5-25, 5-28, 5-34 and 5-35.)
 - f) See Final EIR pages 4-4 through 4-7, 4-68 through 4-70, 4-73 through 4-79, 4-96 through 4-105, and 4-111, which clarify and amplify the draft EIR alternatives’ analysis.
 - g) Tables ES-4 and 5-1 summarize project alternatives and their effects relative to the proposed project. The column labeled “Reduces One or More Impacts to Less than Significant” was clarified in the final EIR as to its meaning. It identifies that any one of the alternatives identified with a “yes” answer is reducing “a project impact that can be mitigated to a less than significant level, without the need for mitigation.” See Footnote 2 to those Tables in the Final EIR on pages 4-4 and 4-68.
 - h) See Finding 4 above.
 - i) The County does adopt and incorporate Alternative 3 into the project because it is a feasible way to reduce the impact of the project on Pacific Grove clover, a rare plant species. Alternative 3 would redesign the relocated Pebble Beach Driving Range to avoid the 0.2 acre habitat area with Pacific Grove clover in the far northwest corner of Collins Field near the proposed tee box. Such on-site preservation of the existing population is feasible. The EIR concludes that the impacts to Biological Resources are less than significant, even without the adoption of this Alternative; however, Alternative 3 is feasible, does not create additional significant impacts, and meets all of the project objectives. Therefore, this alternative has been incorporated into the proposed project.
 - j) Pebble Beach Company Final EIR.

7. **FINDING:**

STATEMENT OF OVERRIDING CONSIDERATIONS – Per Public Resources Code section 21081(b) and section 15093 of the CEQA Guidelines, with respect to the identified significant unavoidable environmental effects of the project, the Board of Supervisors has weighed the economic, legal, social, technological, and other benefits, including region-wide and statewide environmental benefits, of the project against its unavoidable significant environmental impacts in determining whether to approve the project. The Board finds that the benefits of the project outweigh its unavoidable adverse environmental effects such that the adverse environmental effects may be considered “acceptable.” Each benefit set forth below constitutes an overriding consideration warranting approval of the Project, independent of the other benefits, despite each and every unavoidable impact.

- EVIDENCE:**
- a) The proposed project will result in development that will provide benefits described herein to the surrounding community and the County has a whole.
 - b) The project will create economic benefits to the County and the economy through the creation of jobs for construction (temporary) and for the expanded resort operations (permanent) and the creation of new property tax revenue through higher property valuation.
 - c) The project will create benefits to other tourism destinations on the Monterey Peninsula as noted during public testimony made at the Planning Commission Workshop on November 9, 2011, at the Board of Supervisors hearing on January 24, 2012 by Mark Stilwell and Moe Ammar, and other testimony at the hearings on the project.
 - d) The project will permanently preserve approximately 635 acres of open space. These properties will be permanently protected and managed to enhance habitat values. Several conditions of approval of this Project require the preservation and active management of these areas. Without approval of the Project, the areas would be designated “Open Space Forest” under the Land Use Plan, as amended, but there would be no conditions of approval requiring applicant to place the areas in permanent conservation easements or to actively protect and manage the area.
 - e) The Local Coastal Program Amendment reduced the potential number of housing units that could be developed on Areas B, C, F, G, J, K, L, M, N, O, P, Q, R, U, and V as noted on Table A in the former Del Monte Forest Land Use Plan from as much as 891 units to 90 to 100 units. The project reduces the intensity of build-out compared to prior proposals for the Del Monte Forest. The project would result in the buildout of the Del Monte Forest consisting of 195 to 205 residential units (including 90 to 100 residential units with the proposed project, 96 units on existing vacant lots, and nine units in areas outside the project area) compared to as many as 403 units in prior proposals. Approval of the project carries out the negotiated compromise that is embodied in the Local Coastal Program Amendment and strikes a balance between development at a level acceptable to the applicant and enhanced protection of coastal resources compared to the prior Del Monte Forest Land Use Plan. (See evidence h below.)
 - f) The project will create road, parking, trail and other infrastructure improvements that will enhance coastal access and benefit the entire

Monterey Peninsula.

- g) The project will include new visitor-serving development that would increase the number of hotel rooms allowed in the Del Monte Forest from 460 to 700. This increase would lead to an increase in transient occupancy tax (TOT) receipts in the County.
- h) The project would resolve over 20 years of controversy surrounding the buildout of the Del Monte Forest. The previous Local Coastal Program allowed substantial amounts of residential development and additional golf courses to be constructed in Del Monte Forest. Due to significant biological resources located within the Del Monte Forest, earlier attempts at development proposals had been abandoned or denied. After the Measure A project was denied by the Coastal Commission, the applicant prepared to file a lawsuit, but entered into a tolling agreement with the Coastal Commission. The applicant and Coastal Commission staff then met to come to agreement regarding the level of development that provides a balance between coastal access, development, and protection of environmentally sensitive habitat. The Local Coastal Program Amendment, which was certified by the Coastal Commission on May 9, 2012 (see evidence i, following) and adopted by the Board of Supervisors on May 22, 2012, incorporates that agreement in substance and establishes the regulatory framework for the project. Approval of the project carries out the compromise.

See the Coastal Commission decision resulting from their May 9, 2012, public hearing, including but not limited to Sections 1.A, 2.A, 2.D, and 2.D.2.G. Section 1.A describes the history of development applications for the Pebble Beach Company property, the balance achieved by the compromise plan, and that the Concept Plan provides certainty for the future development of these land holdings, essentially buildout of Del Monte Forest, and the preservation of significant resource areas. Section 2.A describes the history of previous development applications that led to litigation and this compromise Concept Plan. Section 2.D provides the analysis for the Local Coastal Program Amendment, concluding that the proposed amendments and Concept Plan, on balance provide for better protection of coastal resources. Section 2.D.2.G describes the Conflict Resolution provisions of the Coastal Act and an analysis of the Local Coastal Program Amendment in light of those provisions. That section also analyzes project alternatives and describes that, due to infeasibility of the alternatives, adoption of one of the alternatives would likely lead to litigation on Measure A (page 108). This section also points out that the Concept Plan “avoided the largest pieces of undeveloped habitat” and that “the areas proposed for residential development were carefully selected based on their locations adjacent to roads and areas of heavy use (golf courses and neighborhoods), and the fact that they are less sensitive, relatively speaking, than the identified preservation areas.”

- i) The resulting Local Coastal Program Amendment was unanimously certified by the California Coastal Commission on May 9, 2012. The Board of Supervisors acknowledged the certification and adopted the Local Coastal Program Amendment via a resolution amending the Del Monte Forest Land Use Plan and an ordinance amending the Coastal Implementation Plan on May 22, 2012. The Local Coastal Program

Amendment established the regulatory framework for the Project. The Amendment substantially reduce the amount of residential development allowed within Del Monte Forest, eliminate additional golf courses, provide permanent protection of 635 additional acres of habitat areas, direct growth to disturbed areas or the edges of disturbed areas, increase public access opportunities, and, together with approval of the Project, eliminates potential scattered development from existing legal lots of record.

- j) Pebble Beach Company Final EIR.
- k) Table A in the Del Monte Forest Land Use Plan, certified by the California Coastal Commission on May 19, 1987.
- l) Public testimony at the Planning Commission Workshop on November 9, 2011.
- m) Public testimony at the Planning Commission hearings on December 14, 2011, and May 30, 2012, and at the Board of Supervisors Hearings on January 24, 2012, and June 19, 2012.
- n) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN100138.

8. **FINDING:**

RECIRCULATION NOT REQUIRED – No new significant information has been added to the EIR since circulation of the DEIR that would require recirculation of the EIR. Per Section 15088.5 of the CEQA Guidelines, the County of Monterey is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review but before certification. “Significant new information” requiring recirculation include, for example, a disclosure showing that:

- 1) A new significant environmental impact resulting from the project or from a new mitigation measure proposed to be implemented;
- 2) A substantial increase in the severity of an environmental impact unless mitigation measures are adopted that reduce the impact to a level of insignificance;
- 3) A feasible project alternative or mitigation measure, considerably different from others previously analyzed, that clearly would lessen the significant environmental impacts of the project, but that the project’s proponents decline to adopt; or
- 4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

No such significant new information has been added.

- EVIDENCE:**
- a) Recirculation of the draft EIR is not required where the new information merely clarifies, amplifies or makes minor modifications to an adequate EIR. The information provided since the draft EIR meets those criteria.
 - b) All the text revisions to the draft EIR provide clarification and additional detail. After considering all comments received on the draft EIR, the County has determined that the changes do not result in a need to recirculate the draft EIR.
 - c) See Finding 1, 3, and 5.
 - d) Pebble Beach Company Final EIR.

9. **FINDING:** **FISH AND GAME FEE** – For purposes of the Fish and Game Code, the project will have a significant adverse impact on the fish and wildlife resources upon which the wildlife depends.
- a) State Department of Fish and Game reviewed the DEIR to comment and recommended necessary mitigations to protect biological resources in this area. Therefore, the project will be required to pay the State fee in effect at the time of the recordation of the Notice of Determination to the Monterey County Clerk/Recorder for processing said fee and posting the Notice of Determination (NOD).
 - b) See Finding 3, evidence (d).
 - c) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN100138.
 - d) Pebble Beach Company Final EIR.

DECISION

NOW, THEREFORE, be it resolved by the Board of Supervisors of the County of Monterey as follows:

1. The foregoing recitals and findings are true and correct;
2. The Board of Supervisors hereby certifies with respect to the Final Environmental Impact Report for the Pebble Beach Company Project (SCH#2011041028), which is on file with the Clerk of the Board and incorporated herein by reference, that (a) the Final EIR has been completed in compliance with CEQA; (b) the Final EIR was presented to the Board of Supervisors, and the Board of Supervisors reviewed and considered the information contained in the Final EIR before approving the Pebble Beach Company Project; and (c) the Final EIR reflects the County of Monterey's independent judgment and analysis; and
3. The Board hereby adopts the Statement of Overriding Considerations.

PASSED AND ADOPTED upon motion of Supervisor Potter, seconded by Supervisor Salinas, and carried this 19th day of June 2012, by the following vote, to wit:

AYES: Armenta, Calcagno, Salinas, Parker, and Potter
 NOES: None
 ABSENT: None

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 76 for the meeting on June 19, 2012.

Dated: June 27, 2012
 File Number: RES 12-006

Gail T. Borkowski, Clerk of the Board of Supervisors
 County of Monterey, State of California

By *Denise Hancock*
 Deputy