

Attachment B-1
Recommended Conditions of Approval
(Matrix)

PLN130466

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Monterey County Planning Department

DRAFT Condition of Approval Implementation Plan/Mitigation Monitoring Reporting Plan

PLN130466

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning Department

**Condition/Mitigation
Monitoring Measure:** This Map Amendment (PLN130466) allows the adjustment of Homeland Boundary on "Lot 65" of the Santa Lucia Preserve, Phase A Subdivision Map. The property is located at 34205 Robinson Canyon Road, Carmel, (Assessor's Parcel Number 239-061-011-000), Greater Monterey Peninsula Area Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of RMA - Planning. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning)

**Compliance or
Monitoring
Action to be Performed:** The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: Planning Department

**Condition/Mitigation
Monitoring Measure:** The applicant shall record a Permit Approval Notice. This notice shall state:
"A Map Amendment (Resolution Number 13-___) was approved by the Monterey County Board of Supervisors for Assessor's Parcel Number 239-061-011-000 on November 5, 2013. The permit was granted subject to 6 conditions of approval which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."

Proof of recordation of this notice shall be furnished to the Director of RMA - Planning prior to issuance of building permits or commencement of the use. (RMA - Planning)

**Compliance or
Monitoring
Action to be Performed:** Prior to recording the amended map, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning.

3. PD004 - INDEMNIFICATION AGREEMENT

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The property owner agrees as a condition and in consideration of approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. The County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his/her/its obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of property, filing of the final map, recordation of the certificates of compliance whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the County harmless. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Upon demand of County Counsel or prior to recording of the amended map, whichever occurs first and as applicable, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the Director of RMA-Planning for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to RMA-Planning .

4. PD032(A) - PERMIT EXPIRATION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The permit shall be granted for a time period of 3 years, to expire on November 5, 2016 unless the conditions of approval have been cleared within this period. (RMA-Planning)

Compliance or Monitoring Action to be Performed: Prior to the expiration date stated in the condition, the Owner/Applicant shall record an amended map to the satisfaction of the RMA-Director of Planning. Any request for extension must be received by RMA-Planning at least 30 days prior to the expiration date.

5. PDSP001 - APPROVAL FROM THE SANTA LUCIA CONSERVANCY FOR AMENDMENT OF CONSERVATION EASEMENT (C

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The Conservation Easement on Lot 65 (Document No. 9882397, recorded on November 24, 1998) shall be amended, by the means described below, to accurately depict the new Homeland and Openland boundaries, consistent with the terms of Condition No. 109 of the Conditions of Approval of the original subdivision (Board of Supervisors Resolution No. 96-060, 96-061, and 97-360).

A new Conservation Easement shall be recorded on the land formerly included in the Golf Club's Lot 264, now comprising a 7.73 acre portion of Lot 65, shown and designated "Portion of Lot 65 (Parcel 2) From Volume 30 Surveys, Page 70" . The new Conservation Easement shall be recorded in the form attached as Exhibit E to the settlement agreement attached to the staff report. The location of the new conservation easement (Openlands) shall be shown on "Lot 65" and "Portion of Lot 65 (Parcel 2) from Volume 30 Surveys, Page 8" on the Amending Map.

A Quitclaim Deed shall be recorded in the form attached to the settlement agreement at Exhibit F to extinguish a portion of the Existing Conservation Easement on the 0.89 acre portion of Lot 65 designated as "Additional Homeland - Lot 65 From Volume 20 Cities and Towns, Page 8" . (RMA-Planning)

Compliance or Monitoring Action to be Performed: Concurrently with Recordation of the Amended Map, the owners shall record the new Conservation Easement and the Quitclaim Deed. The location of the new conservation easement (Openlands) shall be shown on "Lot 65" and "Portion of Lot 65 (Parcel 2) From Volume 30 Surveys, Page 70" on the Amending Map.

6. PDSP002 - AMENDED MAP (NON-STANDARD)

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: File an Amended Map delineating the new homeland site(s), all existing and required easements or right-of-way and monument new lines. (RMA-Planning and RMA-Public Works)

Compliance or Monitoring Action to be Performed: Prior to Recordation of Amended Map, the applicant's surveyor shall prepare an Amended Map, submit to RMA-Planning and RMA-Public Works for review and approval.

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