



Monterey County

Board Order

168 West Alisal Street,
1st Floor
Salinas, CA 93901
831.755.5066

Upon motion of Supervisor Potter, seconded by Supervisor Salinas and carried by those members present, the Board of Supervisors hereby:

Held a Public hearing (continued from June 3, 2014) and adopted Resolution No. 14-232:

- a. Denying the appeal by Jeff Taylor from the Planning Commission's decision approving the application by Heritage Development LP for a Combined Development Permit;
 - b. Certifying that it has reviewed and considered the Addendum together with the previously certified EIR for the Santa Lucia Preserve;
 - c. Approving the application for a Combined Development Permit consisting of: 1) a Minor Subdivision vesting tentative map to allow the subdivision of three lots of 20.69 acres, 20.78 acres and 62 acres (total 103.2 acres) into a 4 lot subdivision of 10.4, 13.7, 23.2 and 55.9 acres; 2) a Use Permit to allow the removal of 8 protected trees for installation of a driveway to lots 1 and 2; 3) a Use Permit for development on slopes greater than 30%; and 4) an Administrative Permit and Design Approval for development in a Design Control and Site Plan District for minor grading associated with road improvements; and
 - d. Adopting a Mitigation Monitoring and Reporting Plan.
- (Combined Development Permit - PLN060603/Heritage Development, 27050/25070/27080 Rancho San Carlos Road, Carmel, Carmel Valley Master Plan)

PASSED AND ADOPTED on this 22nd day of July 2014, by the following vote, to wit:

AYES: Supervisors 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 77 for the meeting on July 22, 2014.

Dated: August 12, 2014
File Number: RES 14-063

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

By

Deputy

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

Resolution No. 14-232

Resolution by the Monterey County Board of)
 Supervisors to:)
 a. Deny the appeal by Jeff Taylor from the Planning)
 Commission's approval of an application by Heritage)
 Development/Jeff Taylor for a Combined)
 Development Permit (PLN060603);)
 b. Certify that it has reviewed and considered the)
 previously certified EIR for the Santa Lucia Preserve)
 and Addendum; and)
 c. Approve a Combined Development Permit)
 consisting of: 1) a Minor Subdivision vesting)
 tentative map to allow the subdivision of three lots of)
 20.69 acres, 20.78 acres and 62 acres (total 103.2)
 acres) into a 4 lot subdivision of 10.4, 13.7, 23.2 and)
 55.9 acres; 2) a Use Permit to allow the removal of 8)
 protected trees for installation of a driveway to lots 1)
 and 2; 3) a Use Permit for development on slopes)
 greater than 30%; and 4) an Administrative Permit)
 and Design Approval for development in a Design)
 Control and Site Plan District for minor grading)
 associated with road improvements; and)
 d. Adopt a Mitigation Monitoring and Reporting Plan)
 [PLN060603, Heritage Development/Jeff Taylor,)
 27050, 27070 and 27080 Rancho San Carlos Road,)
 Carmel, Carmel Valley Masterplan (APN: 157-181-)
 006-000, 157-181-007-000-000, 157-181-008-000)]..)

The appeal by Jeff Taylor from the Planning Commission's approval of the Combined Development Permit and Minor Subdivision vesting tentative map application (Heritage Development LP/PLN060603) came on for public hearing before the Board of Supervisors of the County of Monterey on March 18, 2014, June 3, 2014 and July 22, 2014. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:

FINDINGS

1. **FINDING:** **PROJECT DESCRIPTION** – The proposed project is a Combined Development Permit consisting of: 1) a Minor Subdivision vesting tentative map to allow the subdivision of three lots of 20.69 acres, 20.78 acres and 62 acres (total 103.2 acres) into a 4 lot subdivision of 10.4, 13.7, 23.2 and 55.9 acres; 2) a Use Permit to allow the removal of 8

protected trees for installation of a driveway to lots 1 and 2; 3) a Use Permit for development on slopes greater than 30%; and 4) an Administrative Permit and Design Approval for development in a Design Control and Site Plan District for minor grading associated with road improvements.

EVIDENCE: 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 PLN060603.

2. **FINDING:** **PROCESS** – The County has processed the subject Minor Subdivision application (PLN060603/Heritage Development) in compliance with Monterey County procedures.

EVIDENCE:

- a) On January 17, 2008, "Applicant", Heritage Development applied for 10 lot Standard Subdivision Application, Use Permit for grading on slopes in excess of 30 percent, and a Use Permit to allow removal of 20 trees to create 10 lots out of three existing lots.
- b) It was determined that the Santa Lucia Preserve Comprehensive Development Plan only had 1 new lot to allocate to this property, and so on August 8, 2013 the applicant amended the application to create 4 lots from the existing 3 lots.
- c) The Minor Subdivision could have been approved by the Planning Director, but because the map required development on slopes in excess of 30% and resulted in the removal of more than 3 trees, the project required action by the Planning Commission.
- d) The Planning Commission considered the application during public hearing held on, October 30, 2013, December 11, 2013 and January 8, 2014. On January 8, 2014 the Planning Commission approved the minor subdivision with conditions to require that the recordation of the map comply with the provisions of the Santa Lucia Preserve.
- e) On January 27, 2014, Jeff Taylor, (Appellant), filed a timely appeal from the Planning Commissions' approval of the Minor Subdivision, Use Permit, Administrative Permit and Design Approval (PLN060603). The appeal is brought on the basis that 1) there was a lack of fair or impartial hearing; and 2) the findings or decision or conditions are not supported by the evidence. The hearing on the appeal at the Board of Supervisors is de novo.
- f) On March 6, 2014, public notices for the appeal were published in the Monterey County Weekly, mailed to neighbors within 300 feet, and posted in three different public places pursuant to Monterey County Code Chapter 21.80.
- g) On March 18, 2014 the Board of Supervisors considered the appeal and continued the public hearing to allow the applicant opportunity to work with the County in resolving some of the design issues upon which the appeal is based. At the June 3, 2014 the Board of Supervisors continued the application again providing the applicant more time to continue to refine the project design.

- h) On July 3, 2014 the applicant submitted a revised Tentative Map for consideration by the Board.
- i) 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 PLN060603.

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

- EVIDENCE:**
- a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
 - the 2010 Monterey County General Plan;
 - Carmel Valley Masterplan;
 - Monterey County Zoning Ordinance (Title 21);
 - Monterey County Subdivision Ordinance (Title 19);
 - Santa Lucia Preserve Comprehensive Development Plan

No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.
 - b) The property is located at 27050, 27070 and 27080 Rancho San Carlos Road, Carmel (Assessor's Parcel Number 157-181-006-000, 157-181-007-000-000, 157-181-008-000), Carmel Valley Masterplan. The parcel is zoned RC/10-D-S-RAZ (Resource Conservation, 10 acres per unit with Design Control, Site Plan Review and Residential Allocation Zoning Overlays], which allows the creation of lots with a minimum area of 10 acres (subject to unit availability), and the subsequent development of single family residences. Therefore, the project is an allowed land use for this site.
 - c) The subject site includes Site Plan Review, Design Control and residential Allocation Zoning Overlays. There residential allocation does not affect the unit count under the Carmel Valley Master Plan rather the allocation comes from the Santa Lucia Preserve. The "S" and "D" zoning overlays will require future administrative review of development on these lots.
 - d) The Santa Lucia Comprehensive Development Plan requires that new home sites be obscured from roadway views. Highway 1 and Carmel Valley Road are scenic roads with visibility of the site. Homelands placed in the lower elevations of the property will minimize visibility while home sites placed on higher elevations will be visible from Highway 1 and Carmel Valley Road. The project has been conditioned to place homeland boundaries in locations that will obscure the visibility of home sites.
 - e) The application does not include a 100,000 gallon water tank. No additional water tanks are approved for construction as part of this application. The construction of homes on each individual lot will dictate the size of tanks necessary to support fire flow for the structures built on each parcel. Tank sizes will be determined and water tanks will

be installed as part of lot development.

- f) The project planner conducted a site inspection on September 30 and October 11, 2013 to verify that the project on the subject parcel conforms to the plans listed above.
- g) The project was not referred to the Carmel Valley Land Use Advisory Committee (LUAC) for review because the Carmel Valley LUAC does not review projects in the Santa Lucia Preserve
- h) 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 PLN060603.

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

- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, Monterey Regional Fire Protection District, Parks, Public Works, Environmental Health Bureau, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
 - b) Staff identified potential impacts to Biological Resources, Archaeological Resources, Soil/Slope Stability, traffic, historic resources and woodland resources. The following reports have been prepared:
 - *Preliminary Geologic Investigation* prepared by Moore Twining, Monterey, CA 2008 (LIB080087)
 - *Traffic Assessment* prepared by Dowling Associates, Oakland, CA 2007 (LIB080100)
 - *Biological Analysis* prepared by Califauna, Pebble Beach, CA 2008 (LIB080512)
 - *Revision of Tree Impact Report*, Bryan Bradford, Salinas, CA (With Prior Arborist reports dated 8/26/2008, and 10/27/2007) (LIB120101, LIB120142, LIB080510, LIB080105)
 - *Phase 1 Historic Review* prepared by Kent L. Seavey, Pacific Grove, CA 2008 (LIB110334)

The above-mentioned technical reports by outside consultants indicated that the Santa Lucia EIR adequately addresses the potential environmental impacts associated with the project and there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff has independently reviewed these reports and concurs with their conclusions.

- c) Staff conducted a site inspection on September 30 and October 11, 2013 to verify that the site is suitable for this use.
- d) 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

PLN060603.

5. **FINDING:** **HEALTH AND SAFETY** - The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.
- EVIDENCE:**
- a) The project was reviewed by the RMA - Planning Department, Monterey County Regional Fire Protection District, Parks, Public Works, Environmental Health Bureau, and Water Resources Agency. The respective agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
 - b) Necessary services will be provided as part of this development. Each lot has existing water tanks and an existing well for water, underground utilities will be installed.
 - c) The lots and Homelands are of sufficient size to support disposal of sewage through septic systems.
 - d) Staff conducted a site inspection on September 30 and October 11, 2013 to verify that the site is suitable for this use.
 - e) 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 PLN060603.
6. **FINDING:** **NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist on the property.
- EVIDENCE:**
- a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is not aware of any violations existing on subject property.
 - b) Staff conducted a site inspection on September 30 and October 11, 2013 and researched County records to assess if any violation exists on the subject property.
 - c) There are no known violations on the subject parcel.
 - d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN060603.
7. **FINDING:** **CEQA (Addendum):** - An Addendum to a previously certified EIR for the Santa Lucia Preserve was prepared pursuant to CEQA Guidelines Section 15164 to reflect changes or additions in the project that do not involve new significant environmental impacts, an increase in the

- severity of previously identified environmental impacts, or present new information not previously analyzed in the certified EIR.
- EVIDENCE:**
- a) An EIR for the Santa Lucia Preserve was prepared and certified by the Board of Supervisors on February 6, 1996 (Board Resolution 96-059)
 - b) An Addendum to the Santa Lucia Preserve project EIR was prepared pursuant to the California Code of Regulations, Title 14, Section 15164.
 - c) The Addendum attached as **Exhibit C** to the July 22, 2014 Staff Report to the Board of Supervisors reflects the County's independent judgment and analysis.
 - d) Pursuant to Section 15164 of the CEQA Guidelines, some changes or additions to the project are necessary, but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.
 - e) The Santa Lucia Preserve FEIR addressed the impacts to native woodlands associated with installation of streets and homelands. This project is consistent and will require protection of existing woodlands and replacement consistent with the provisions of the FEIE.
 - f) Pursuant to Section 15162 of the CEQA Guidelines, there are no substantial changes with respect to the circumstances under which the project is undertaken that would require major revisions to the prior EIR. The EIR for the Santa Lucia Preserve envisioned further development on this property and identified the potential impacts. The subdivision of this parcel from three lots to four lots is consistent with the assumptions of the EIR prepared for the Santa Lucia Preserve. A Biologic Study, Archaeological Study, Traffic Study, Geologic Study and Historic review were conducted for this project and did not find any new information which would result in the need to prepare additional environmental analysis.
 - g) Pursuant to Section 15162 of the CEQA Guidelines, there is no new information of substantial importance that was not known at the time the EIR was adopted. Climate change is now regularly evaluated in environmental documents, but this is not new information that was not known at the time of the previously certified EIR.

8. **FINDING:** **DEVELOPMENT ON SLOPE** – There is no feasible alternative which would allow development to occur on slopes of less than 30%. The 2010 Monterey County General Plan uses 25% as the threshold, but the Comprehensive Development Plan uses 30% and the General Plan (GMP Policy 1.6) identifies Rancho San Carlos as a Special Treatment Area subject to the Comprehensive Development Plan for the Santa Lucia Preserve, so 30% continues to be the appropriate standard to utilize for this project. The proposed development better achieves the goals, policies and objectives of the Monterey County General Plan and the Carmel Valley Master plan, the Santa Lucia Preserve and the Monterey County Zoning Ordinance (Title 21) than other development alternatives.

- EVIDENCE:**
- a) In accordance with the applicable policies of the Carmel Valley Master Plan, the Santa Lucia Preserve Comprehensive Development Plan and

the Monterey County Zoning Ordinance (Title 21), a Use Permit is required and the criteria to grant said permit have been met. The grading on slopes in excess of 30% to install the primary access driveway to lots 1 and 2 is limited and allows preservation of many trees. The preservation of these trees and corresponding mixed woodland better achieves the County resource protection goals and policies, while providing for orderly development of the site.

- b) The Board of Supervisors required conditions of approval and changes in the development to minimize grading for road improvements on steeper slopes. During the appeal proceedings the applicant requested a continuance to refine the project design. The applicant prepared a revised tentative map which allowed placement of Homeland Boundaries in locations which are on slopes of less than 30% and the access to these locations minimizes grading on slopes over 30%. The second proposed alternative Homeland Boundary on the revised tentative map on Lot 3 requires significant grading on slopes in excess of 30% and a condition is added to require elimination of that Homeland Boundary.
- c) The proposed development on slopes over 30% is the minimum necessary to allow development and to achieve the County's concern for tree and oak woodland preservation.
- d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN060603.
- e) The project planner conducted a site inspection on September 30 and October 11, 2013. The site can support development on slopes of less than 30%. Some grading on slopes in excess of 30% will be required, but it is the minimum necessary.
- f) The conditions of approval and the reduction in the locations of the building envelopes applied to the subject project minimizes development on slopes exceeding 30% in accordance with the applicable goals and policies of the applicable area plan and zoning codes.

9. **FINDING:**

SUBDIVISION – Section 66474 of the California Government Code (Subdivision Map Act) and Title 19 (Subdivision Ordinance) of the Monterey County Code (MCC) requires denial of a tentative map if any of the following findings are made:

- 1. That the proposed map is not consistent with the applicable general plan and specific plans.
- 2. That the design or improvement of the proposed subdivision is not consistent with the applicable general plan and specific plans.
- 3. That the site is not physically suitable for the type of development.
- 4. That the site is not physically suitable for the proposed density of development.
- 5. That the design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.

None of these findings can be made for the project as conditioned by the Board.

- EVIDENCE:**
- a) Consistency. The project as designed and conditioned is consistent with the 2010 Monterey County General Plan, Carmel Valley Master Plan, and Santa Lucia Comprehensive Development Plan (see Finding 1).
 - b) Design. The lot design is consistent with the Lot Design Standards of MCC Section 19.10.030.
 - c) Site Suitability. The site is suitable for the proposed project including the type and density of the development (see Finding 2).
 - d) Environment. The subdivision design and improvements will not cause environmental damage to fish or wildlife habitat (see Finding 6).
 - e) Health and The proposed project as designed and conditioned will not, cause serious public health problems. (see Finding 5).
 - f) Water Supply. MCC Section 19.10.070 requires provision shall be made for domestic water supply as may be necessary to protect public health, safety, or welfare, and that the source of supply is adequate and potable. MCC Sections 19.03.015.L and 19.07.020.K require Water Supply and Nitrate Loading Information in order to assess these conditions and proof that there is a long term water supply with the project. The project has a long-term, sustainable water supply, both in quality and quantity, and an adequate water supply system to serve the development. (see Finding No. 9).
 - g) Sewage Disposal MCC Sections 19.03.015.K and 19.07.020.J require that for individual septic systems that percolation testing be done to demonstrate the site can accommodate the septic system. Initially the proposed 10 lot vesting tentative was going to connect to a public sewer system due to many lots being located on slopes with soils that are not suited for onsite wastewater systems. The proposed four lot vesting tentative map, placed all the development on more level ground where the soils are more conducive to onsite wastewater treatment.
 - h) Easements. The subdivision or the type of improvements will not conflict with easements. There are no easements on the property which would be adversely affected by the project. Access to the property will continue to be across a private road easement. The map will extend the private road to each of the proposed lots.
 - i) Traffic. The project is consistent with the traffic generation assumptions of the Santa Lucia Preserve EIR. The project will not cause any project specific potentially significant impacts. Cumulative impacts are mitigated through the payment of TAMC fees and Fees for improvements in the Carmel Valley Masterplan. The fees will be paid upon issuance of a building permit.
 - j) Affordable Housing. The creation of one new lot does not require provision of inclusionary housing or payment of fees. (MCC Chapter

18.40).

- k) Parks and Recreation. A condition of approval requires that the applicant to pay a fee for provision of recreational facilities in accordance with Section 19.12.010 of the Monterey County Code.
- l) The application, tentative map and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN060603*.
- m) The project planner conducted a site inspection on September 30 and October 11, 2013.

10. **FINDING: LONG-TERM SUSTAINABLE WATER SUPPLY AND ADEQUATE WATER SUPPLY SYSTEM:** The project has a long-term, sustainable water supply, both in quality and quantity, and an adequate water supply system to serve the development.

- EVIDENCE:**
- a) The proposed project is new development consisting of the creation of four lots from three existing lots.
 - b) The new development will use or require the use of water. The existing water use is 26 acre feet per year. The projected water demand for the new development will be less than the current use of 26 acre feet per year.
 - c) The water source for the proposed new development is from four (4) existing agricultural wells located on the subject site.
 - d) The applicant for this application does not propose to change the existing water source and has submitted a Riparian Water Right Determination. This determination shows that the site has a riparian right and that the site has been using 26 acre feet of water since 1981 when record keeping began. The subdivision of this property would not result in an increase in water use, but would constitute a decrease in use for a property with more than sufficient water right to service four lots. The riparian water rights determination has been accepted by the Monterey Peninsula Water Management District.
 - e) The water quality for the water source complies with all requirements of Chapter 15.04 of the Monterey County Code and Chapter 15 of Title 22 of the California Code of Regulations.

11. **FINDING: TREE REMOVAL** –The tree removal is the minimum required under the circumstances and the removal will not involve a risk of adverse environmental impacts.

- EVIDENCE:**
- a) The project includes application for the removal of 20 trees. In accordance with the applicable policies of the Carmel Valley Masterplan, the Santa Lucia Preserve and the Monterey County Zoning Ordinance (Title 21), a Use Permit is required and the criteria to grant a use permit for removal of eight trees has been met.
 - b) The original application was for the removal of 20 trees; however a reduction in the project has resulted in the need to only remove eight trees associated with the driveway to Lots 1 and 2. No trees are approved for removal associated with the future development of the

Homeland Boundaries.

- c) The Forest Management Plan and supplemental reports were prepared by Bryan Bradford.
- d) Measures for tree protection during construction have been incorporated as conditions of approval and include tree protection fencing and other measures to minimize the impacts on trees to be retained.
- e) The project has been designed and sited to minimize the removal of protected trees to the greatest extent feasible. The trees being removed are associated with the installation of access improvements only. The improvement plans will be reviewed and approved by the RMA-Planning Department and the staking will be reviewed in the field to insure the minimum number of trees are removed and impacted associated with this project. Homeland areas have been eliminated to avoid tree removal resulted from expanding the road network.
- f) The removal will not involve a risk of adverse environmental impacts. The trees to be removed are scattered along the road alignment. Trees not impacted will remain. Any grading undertaken will be engineered to prevent erosion or slope instability. The road alignment follows an existing farm road so the removal of these trees will not significantly change the habitat value. The tree removal will be done under the supervision of a biologist and arborist to protect nesting birds.
- g) Staff conducted a site inspection on September 30 and October 11, 2013 to verify that the tree removal is the minimum necessary for the project and to identify any potential adverse environmental impacts related to the proposed tree removal.
- h) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN060603.

12. **FINDING: APPEAL AND APPLICANT CONTENTIONS**

The appellant requests that the Board grant the appeal, and approve the Combined Development Permit and Minor Subdivision vesting tentative map Application (PLN060603). The appeal alleges: there was a lack of fair or impartial hearing; and the findings or decision or conditions are not supported by the evidence. The contentions are contained in the notice of appeal (Attachment C of the March 18, 2014 Board of Supervisors' Staff Report) and listed below with responses from staff. The Board of Supervisors makes the following findings regarding the appellant's contentions:

Contention 1 – Lack of Fair or Impartial Hearing

The appellant contends that the following are examples of the lack of a fair and impartial hearing:

- a) *Application of the Santa Lucia Comprehensive Development Plan Restrictions should not be applied because applicant claims the Santa Lucia Conservancy does not want to manage the conservation easement required on the open lands.*

Response: The subject site is clearly shown and depicted on maps to be within the area of the Santa Lucia Preserve and is referred to as the "West Field Parcels". Furthermore, the maps

within the Comprehensive Development Plan (CDP) show the subject site with Homeland areas; the clear intent of the CDP and the associated EIR was to anticipate development of this site consistent with the provisions of the CDP. Since submittal of the appeal the applicant has modified the project design to identify Homeland Boundaries which are in keeping with the requirements of the Santa Lucia Preserve CDP. The applicant has requested that the Openlands areas not be subject to a separate manage Openlands Conservation Easement but rather use a Scenic and Conservation easement to protect the slopes over 30%. The location of this property which is not contiguous to the rest of the Santa Lucia Preserve, the steep slopes on the project site and the relatively small size of the parcel are grounds for proceeding with this approach. The requirement for a managed openlands conservation easement has been removed in favor of a Scenic and Conservation Easement.

- b) The applicant contends that the building envelopes (Homeland Boundaries) proposed on the tentative map are of similar size to other envelopes approved within the Santa Lucia Preserve.*

Response: The applicant has redesigned the project with revised Homeland Boundaries and revised access point more in keeping with the County policies of tree removal and development on 30% slopes. The second alternative Homeland Boundary proposed on the revised Tentative map submitted by the applicant is conditioned to not be shown on the final map because of the amount of grading needed for access, but all the other Homeland Boundaries and access points are acceptable.

- c) The applicant provided an arborist report that identified 20 trees for removal and staff reduced this number to 8 trees without any factual basis.*

Response: The revised Tentative Map prepared by the applicant requests removal of 8 trees for the driveway to lots 1 and 2. The applicant's request is approved.

- d) Application of restrictions related to development of Second Units should not be imposed.*

Response: The Planning Commission's action was consistent with other projects approved within the Santa Lucia Preserve. In this particular situation the applicant has three developable lots and this approval has been conditioned to allow the applicant to retain the number of accessory dwelling units and Guesthouses that can currently be constructed on the property.

Contention 2 – Findings and Decision Not Supported by the Evidence

The appellant contends the follow are examples of Findings and Decision not supported by evidence:

- a) Finding No. 2, Evidence (a) – statement that no communications or evidence was received during the course of project review. The applicant argues that the information submitted contradicts the information presented by staff.*

Response: Finding No. 2, Evidence (a) is part of the consistency evidence, in which the resolution identifies the plans, policies, and regulations which the project has been reviewed

for consistency with. This proposed project is subject to review under the 2010 Monterey County General Plan, Carmel Valley Master Plan, Monterey County Zoning Ordinance (Title 21), Monterey County Subdivision Ordinance (Title 19), and Santa Lucia Preserve Comprehensive Development Plan. The finding concludes that the project as presented and conditioned is in compliance with all applicable plans, policies, and regulations, and makes a conclusion that *"No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents."*

The applicant may have presented information which contradicts the staff recommendation ultimately approved by the Planning Commission, but the Planning Commission did not agree that the information presented by the applicant. Therefore, the referenced finding is correct.

- b) *Finding No. 2, Evidence (d) – statement that the Santa Lucia Preserve Comprehensive Development Plan does not prohibit views of home sites from public roads but rather limits views. The staff recommendation approved by the Planning Commission prohibited the possibility of home sites.*

Response: As part of the consideration of this appeal the applicant has submitted a revised Tentative Map dated July 3, 2014 which addresses the concerns associated with the visibility of the prospective residences at these locations. The revised tentative map adequately addresses the visibility issue on lot 2 with the condition of a height limit on the lower Homeland Boundary and a non structural area identified on the upper Homeland Boundary and the provision that only one of the Homeland Boundaries can be used in development on the lot.

- c) *Finding No. 7, Evidence (b) – The requirement to place homeland boundaries lower on the lots and off 30% slopes was not based upon qualitative site analysis and unfairly limited wide, open areas of the lots that could be designated as "Homelands".*

Response: The applicant has submitted a revised tentative map which addresses the concerns addressed by the Planning Commission action.

- d) *Finding No. 10, Evidence (b) & (e) – Applicant argues that since so much of Santa Lucia Preserve has been set aside in openlands that the same degree of scrutiny should not be applied to this site and the removal of 12 additional trees should not be an issue.*

Response: The County endeavors to preserve natural resources and forest resources in a consistent manner. The clear standard is that only the minimum number of trees should be removed. That is the standard which has been applied here.

Contention 3 – Disagreement with Findings Made.

The appellant states they disagree with findings, based on the following:

- a) *Finding No. 2 – Consistency – applicant presented documentation indicating that the proposed subdivision design requested by applicant is consistent with applicable plans and policies.*

Response: The applicant has submitted a revised Tentative Map Dated July 3, 2014.

- b) *Finding No. 7 – Development on Slope – applicant presented testimony that prior approvals for the Santa Lucia Preserve (PC94067) allowed limited driveway and roadway access on slopes in excess of 30% to access building sites free of slope and tree constraints.*

Response: See Responses above.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Board of Supervisors does hereby:

- a. Deny the appeal by Jeff Taylor from the Planning Commission's approval of an application by Heritage Development/Jeff Taylor for a Combined Development Permit (PLN060603);
- b. Certify that it has reviewed and considered the previously certified EIR for the Santa Lucia Preserve and Addendum; and
- c. Approve a Combined Development Permit consisting of: 1) a Minor Subdivision vesting tentative map (dated July 3, 2014) to allow the subdivision of three lots of 20.69 acres, 20.78 acres and 62 acres (total 103.2 acres) into a 4 lot subdivision of 10.4, 13.7, 23.2 and 55.9 acres; 2) a Use Permit to allow the removal of 8 protected trees for installation of a driveway to lots 1 and 2; 3) a Use Permit for development on slopes greater than 30%; and 4) an Administrative Permit and Design Approval for development in a Design Control and Site Plan District for minor grading associated with road improvements, subject to the conditions of approval, attached hereto and incorporated herein by reference; and
- d. Adopt a Mitigation Monitoring and Reporting Plan, attached hereto and incorporated herein by reference.
- e.

PASSED AND ADOPTED upon motion of Supervisor Potter, seconded by Supervisor Salinas and carried this 22nd day of July 2014, by the following vote, to wit:

AYES: Supervisors 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 77 for the meeting on July 22, 2014.

Dated: August 12, 2014
File Number: RES 14-063

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

By 
Deputy

Monterey County RMA Planning

Conditions of Approval/Implementation Plan/Mitigation Monitoring and Reporting Plan

PLN060603

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

**Condition/Mitigation
Monitoring Measure:**

This Combined Development permit (PLN060603) allows 1) a Vesting Tentative Parcel Map to allow the subdivision of three lots of 20.69 acres, 20.78 acres and 62 acres (total 103.2 acres) into a 4 lot subdivision of 10.4, 11.9, 20.1 and 60.8 acres; 2) a Use Permit to allow the removal of 8 protected trees; 3) a Use Permit for development on slopes greater than 30%; and 4) an Administrative Permit and Design Approval for development in a Design Control and Site Plan District for minor grading associated with installation of road improvements. The property is located at 27050, 27070 and 27080 Rancho San Carlos Road, Carmel (Assessor's Parcel Number 157-181-006-000, 157-181-007-000-000, 157-181-008-000), Carmel Valley Master Plan and within the Santa Lucia Preserve. 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. The Owner/Applicant and Subdivider as used in these conditions means Heritage Development LP and Jeffrey and Paula Taylor and their successors and assigns.

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: RMA-Planning

**Condition/Mitigation
Monitoring Measure:**

The applicant shall record a Permit Approval Notice. This notice shall state:

" Combined Development permit (PLN060603) allows 1) a Vesting Tentative Parcel Map to allow the subdivision of three lots of 20.69 acres, 20.78 acres and 62 acres (total 103.2 acres) into a 4 lot subdivision of 10.4, 11.9, 20.1 and 60.8 acres; 2) a Use Permit to allow the removal of 8 protected trees; 3) a Use Permit for development on slopes greater than 30%; and 4) an Administrative Permit and Design Approval for development in a Design Control and Site Plan District for minor grading associated with installation of road improvements. The property is located at 27050, 27070, and 27080, Rancho San Carlos Road, Carmel (Assessor's Parcel Numbers 157-181-006-000, 157-181-007-000-000, and 157-181-008-000), Carmel Valley Master Plan Area (Resolution Number 14-232) was approved by the Monterey County Board of Supervisors on July 22, 2014. The permit was granted subject to 45 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department."

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

(RMA - Planning Department)

**Compliance or
Monitoring
Action to be Performed:**

Prior to recordation of Final Map, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning Department.

3. PD004 - INDEMNIFICATION AGREEMENT

Responsible Department: RMA-Planning

**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 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, 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 Department)

**Compliance or
Monitoring
Action to be Performed:**

Upon demand of County Counsel or concurrent with recording of the parcel map, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the Director of RMA-Planning Department for review and signature by the County.

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

4. PD003(A) - CULTURAL RESOURCES NEGATIVE ARCHAEOLOGICAL REPORT

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. The Monterey County RMA - Planning Department and a qualified archaeologist (i.e., an archaeologist registered with the Register of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for recovery.
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: The owner/applicant shall adhere to this condition on an on-going basis. Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.

Ongoing

5. PD007- GRADING WINTER RESTRICTION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of RMA - Building Services Department.
(RMA - Planning Department and Building Services Department)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall obtain authorization from the Director of RMA - Building Services Department to conduct land clearing or grading between October 15 and April 15.

6. PD010 - EROSION CONTROL PLAN

Responsible Department: RMA-Planning

**Condition/Mitigation
Monitoring Measure:**

The approved development shall incorporate the recommendations of the Erosion Control Plan as reviewed by the Director of RMA - Planning and Director of Building Services. All cut and/or fill slopes exposed during the course of construction be covered, seeded, or otherwise treated to control erosion during the course of construction, subject to the approval of the Director of RMA - Planning and RMA - Building Services. The improvement and grading plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. This program shall be approved by the Director of RMA - Planning and Director of RMA - Building Services. (RMA - Planning Department and RMA - Building Services Department)

**Compliance or
Monitoring
Action to be Performed:**

Prior to the issuance of grading permit, the Owner/Applicant shall submit an Erosion Control Plan to the RMA - Planning Department and the RMA - Building Services Department for review and approval.

The Owner/Applicant shall comply with the recommendations of the Erosion Control Plan during the course of construction until project completion as approved by the Director of RMA - Planning and Director of RMA - Building Services.

7. PD011 - TREE AND ROOT PROTECTION

Responsible Department: RMA-Planning

**Condition/Mitigation
Monitoring Measure:**

The improvement plans shall include a tree protection fencing plan showing protective fencing placed at the outer edge of tree driplines or at the limit of development under the canopy of protected trees. Encroachment into the dripline of trees is generally discouraged, but where it is unavoidable, measures shall be taken to protect the health of the tree as recommended by an Arborist. Said protection, shall be approved by the RMA - Director of Planning prior to initiation of any work. If there is any potential for damage, all work must stop in the area and a report, with mitigation measures, shall be submitted by certified arborist. Should any additional trees not included in this permit be harmed, during grading or construction activities, in such a way where removal is required, the owner/applicant shall obtain required permits. (RMA - Planning Department)

**Compliance or
Monitoring
Action to be Performed:**

Prior to issuance of grading permits, the Owner/Applicant shall submit tree protection measures, including the fencing plan to the RMA - Planning Department for review and approval.

During construction, the Owner/Applicant/Arborist shall submit on-going evidence that tree protection measures are in place through out grading and construction phases. If damage has potentially occurred to any tree, submit an interim report prepared by a certified arborist.

Prior to recordation of the map, or release of the subdivision security the RMA-Planning Department shall inspect the work to insure that all conditions were complied with.

8. PD015 - NOTE ON MAP-STUDIES

Responsible Department: RMA-Planning

**Condition/Mitigation
Monitoring Measure:**

A note shall be placed on the final map or a separate sheet to be recorded with the final map stating the following reports are on file in the Monterey County RMA - Planning Department

- Preliminary Geologic Investigation prepared by Moore Twining (LIB080087)
- Traffic Assessment prepared by Dowling Associates (LIB080100)
- Biological Analysis prepared by Califauna (LIB080512)
- Revision of Tree Impact Report ((With Prior Arborist reports dated 8/26/2008, and 10/27/2007) (LIB120101, LIB120142, LIB080510, LIB080105))
- Phase 1 Historic Review prepared by Kent L. Seavey (LIB110334)
- FEIR for Santa Lucia Preserve

and that the recommendations contained in said report shall be followed in further development of this property. The note shall be located in a conspicuous location, subject to the approval of the County Surveyor.

(RMA - Planning Department)

**Compliance or
Monitoring
Action to be Performed:**

Prior to recordation of final, the owner applicant shall submit the final map with notes to the RMA - Planning Department and Public Works for review and approval.

9. PD011(A) - TREE REMOVAL

Responsible Department: RMA-Planning

**Condition/Mitigation
Monitoring Measure:**

The Use Permit is approved to allow tree removal of 8 trees for the driveway associated with lots 1 and 2.

Tree removal shall not occur until a construction permit has been issued in conformance with the appropriate stage or phase of development in this permit. Only those trees approved for removal shall be removed. (RMA-Planning)

**Compliance or
Monitoring
Action to be Performed:**

Prior to tree removal, the Owner/ Applicant/ Tree Removal Contractor shall demonstrate that a construction permit has been issued prior to commencement of tree removal.

10. PD048 - TREE REPLACEMENT/RELOCATION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Prior to removal of any trees the subdivider shall complete the improvement plans for review and approval by the RMA Planning Department. The plans shall show all tree removal. The plans shall be designed to minimize tree removal. Not more than protected 8 trees are approved for removal associated with the subdivision. All trees which must be removed shall be replaced as follows::

- Replacement shall be of same native species as trees removed,
- Replacement ratio: Non-Landmark Tree 3:1, Landmark Tree 5:1
- A Replacement Plan shall be developed showing how the location of the replacement trees and describing how the trees will be cared for and monitored during the establishment period.
- The location of Replacement tree(s) shall be designed to enhance the forest habitat and shall be recommended by an Arborist/Forester and approved by the Planning Director. (RMA - Planning)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall submit a tree replacement plan for all trees removed for review and approval by the RMA Planning Department. The Tree replacement plan shall be approved prior to removal of any trees.

The Owner/Applicant shall submit evidence of tree replacement to RMA-Planning for review and approval. Evidence shall be a receipt for the purchase of the replacement tree(s) and photos of the replacement tree(s) being planted.

Six months after the planting of the replacement tree(s), the Owner/Applicant shall submit evidence demonstrating that the replacement tree(s) are in a healthy, growing condition.

One year after the planting of the replacement tree(s), the Owner/Applicant shall submit a letter prepared by a County-approved tree consultant reporting on the health of the replacement tree(s) and whether or not the tree replacement was successful or if follow-up remediation measures or additional permits are required.

11. PD049 - TREE AND ROOT PROTECTION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Prior to beginning any tree removal, trees which are located close to trees approved for removal shall be protected from inadvertent damage from equipment or tree removal activity by fencing off the canopy drip-lines and/or critical root zones (whichever is greater) with protective materials. Any tree protection measures recommended by a County-approved tree consultant, in addition to the standard condition, shall be implemented. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to construction or tree removal, the Owner/Applicant/Tree Removal Contractor submit evidence of tree protection to RMA-Planning for review and approval.

After construction or tree removal, the Owner/Applicant/Tree Removal Contractor shall submit photos of the trees on the property to RMA-Planning to document that the tree protection has been successful or if follow-up remediation measures or additional permits are required.

12. PD050 - RAPTOR/MIGRATORY BIRD NESTING

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Any tree removal activity that occurs during the typical bird nesting season (February 22-August 1), the County of Monterey shall require that the project applicant retain a County qualified biologist to perform a nest survey in order to determine if any active raptor or migratory bird nests occur within the project site or within 300 feet of proposed tree removal activity. During the typical nesting season, the survey shall be conducted no more than 30 days prior to ground disturbance or tree removal. If nesting birds are found on the project site, an appropriate buffer plan shall be established by the project biologist. (RMA - Planning)

Compliance or Monitoring Action to be Performed: No more than 30 days prior to ground disturbance or tree removal, the Owner/Applicant/Tree Removal Contractor shall submit to RMA-Planning a nest survey prepared by a County qualified biologist to determine if any active raptor or migratory bird nests occur within the project site or immediate vicinity.

13. PD052 - PRE-CONSTRUCTION MEETING

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Prior to the commencement of any grading or construction activities, a pre-construction meeting shall be held on the site. The meeting shall include representatives of each of the selected contractors, any consultant who will conduct required monitoring, the Owner/Applicant, the RMA-Planning Department and any other appropriate County Departments. The purpose of the meeting is to review the conditions of approval that are applicable to the grading and construction of the approved development. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to commencement of any grading or construction activities, the Owner/Applicant shall contact RMA-Planning to schedule a pre-construction meeting prior to commencement of any grading or construction activities. The Owner/Applicant shall be responsible for ensuring that all appropriate contractors and technical consultants are in attendance. RMA-Planning staff shall be responsible for identifying and notifying other County Departments that should attend the meeting (if applicable).

14. PDSP003 --Homeland Boundary for Lot 2

Responsible Department: RMA-Planning

**Condition/Mitigation
Monitoring Measure:**

A note shall be recorded on the Parcel Map that states "The property owner may choose one Homeland Boundary to develop on lot 2. Only one Homeland Boundary may be used for structural development, the unused Homeland Boundary shall be treated as part of the Scenic and Conservation Easement. If the northern (Lower Homeland Boundary is chosen, the maximum height of any structure shall be 168' (18' above the 150' elevation) above sea level. This height shall be surveyed and shown on the approved Construction Plans for any building permit. If the upper Homeland Boundary is chosen the driveway shall be designed to minimize cut and fill slopes, use existing topographic features and vegetation to screen the visibility of the driveway from Carmel Valley Road."

In addition, the western 100' of the southern (upper) homeland shall be designated on the Final Map as "no structural development".

**Compliance or
Monitoring
Action to be Performed:**

This information shall be shown on the Parcel Map when recorded.

15. PD022(A) - EASEMENT-CONSERVATION & SCENIC

Responsible Department: RMA-Planning

**Condition/Mitigation
Monitoring Measure:**

A conservation and scenic easement shall be conveyed to the County of Monterey over those portions of the property as follows:

Lot 2: All areas outside the Homeland Boundaries except the driveway is allowed.

Lot 3: All area above 60' in elevation above sea level except the Homeland Boundary and driveway.

The areas that are excluded from this condition and currently support pasture are not required to be included within the Scenic and Conservation Easement.

Portions of the property for which a Use Permit has been approved (road improvements) shall be excepted from the conservation easement. The easement shall be developed in consultation with certified professionals to protect sensitive natural resources and slopes from development and activity which would cause environmental degradation. The easement shall be written to allow continued grazing on lot 2. An easement deed shall be submitted to, reviewed and approved by, the Director of RMA - Planning Department and the office of the County Counsel..
(RMA - Planning Department)

**Compliance or
Monitoring
Action to be Performed:**

Prior to recordation of the final map or prior to the issuance of grading permits, the owner/applicant/certified professional shall submit the conservation and scenic easement deed and corresponding map, showing the exact location of the easement on the parcel map, to the RMA - Planning Department for review and approval.

Prior to recordation of the parcel map, prior to the issuance of grading permits, the Owner/Applicant shall record the deed and map showing the approved conservation and scenic easement. Submit a copy of the recorded deed and map to the RMA-Planning Department.

16. PD036 - UTILITIES-SUBDIVISION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: A note shall be placed on the parcel/final map or a separate sheet to be recorded with the parcel/final map indicating that ""Underground utilities are required in this subdivision in accordance with Chapter 19.10.095, Title 19 of the Monterey County Code for all new utilities."" Such facilities shall be installed or bonded prior to filing the parcel/final map. The note shall be located in a conspicuous manner subject to the approval of the Director of Public Works.
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to recordation of the parcel/final map, the Owner/Applicant shall place a note on the map or on a separate sheet and submit to the RMA - Planning Department for review and approval. The Owner/Applicant shall install or bond for the underground utility facilities.

17. PDSP-002 Homeland Boundary Locations

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The location of the homeland boundaries shall be recorded with the Parcel Map. the precise location of the Homelands shall be surveyed and reviewed in the field prior to recordation of the Parcel Map. The location of the Homeland areas shall minimize impacts on natural resources, stay off slopes in excess of 30%, and minimize impacts to native trees. The homelands for each lot shall be substantially as shown on the revised tentative map submitted by the applicant dated July 3, 2014. The homeland boundary and structures will need to provide setbacks as required in the RC Zoning District. The southernmost Homeland Boundary on lot 3 at the top of the ravine is not approved and shall not be shown on the Parcel map.

Compliance or Monitoring Action to be Performed: Prior to recordation of Parcel Map, subdivider shall identify where Homeland areas are to be located and submit to RMA-Planning for Review and approval. The Homelands shall be survey and staked in the field and inspected by the RMA Planning Department as part of the review.

18. PKS002 -RECREATION REQUIREMENTS/FEES

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The Applicant will comply with Section 19.12.010 Recreation Requirements, of the Subdivision Ordinance, Title 19, Monterey County Code, by paying a fee in lieu of land dedication for 1 of the 4 proposed parcels that are vacant. The Parks Department shall determine the fee in accordance with provisions contained in Section 19.12.010 (D). (Parks and RMA Planning Departments)

Compliance or Monitoring Action to be Performed: Prior to the Recordation of Final Map the subdivider shall comply with the Recreation Requirements contained in Section 19.12.010 of the Subdivision Ordinance Title 19, Monterey County Code.

19. PW0015-UTILITY'S COMMENTS

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: Submit the approved tentative map to impacted utility companies. Subdivider shall submit utility company recommendations, if any, to the Department of Public Works for all required easements. (Public Works)

Compliance or Monitoring Action to be Performed: Prior to Recordation of Map, Subdivider shall provide tentative map to impacted utility companies for review. Subdivider shall submit utility comments to the RMA- PW

20. PW0016 - MAINTENANCE OF SUBDIVISIONS

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: Pay for all maintenance and operation of subdivision improvements from the time of installation until acceptance of the improvements for the Subdivision by the Board of Supervisors as completed in accordance with the subdivision improvement agreement and until a homeowners association or other agency with legal authorization to collect fees sufficient to support the services is formed to assume responsibility for the services. (Public Works)

Compliance or Monitoring Action to be Performed: Subdivider shall be responsible to maintain improvements until maintenance is assumed by another entity.

21. PW0017 - NATURAL DRAINAGE EASEMENT

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: Designate all natural drainage channels on the Vesting Tentative Parcel map by easements labeled Natural Drainage Easement. (Public Works)

Compliance or Monitoring Action to be Performed: Prior to Recordation of Final Map Subdivider's surveyor shall include labeling as described on Final Map.

22. PW0020 - PRIVATE ROADS

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: Designate all subdivision roads as private roads. (Public Works)

Compliance or Monitoring Action to be Performed: Subdivider's Surveyor shall designate private roads on final map.

23. PW0021 -ROAD NAMES

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: Submit all proposed road names to the Department of Public Works for approval by County Communications. (Public Works)

Compliance or Monitoring Action to be Performed: Prior to Recordation of Final Map Subdivider shall submit proposed road names to DPW. DPW will submit to County Communications for Approval.

24. PW0022 -FIRE REQUIREMENTS FOR ROADS

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: Improve roads in accordance with requirements of the local fire jurisdiction. (Public Works)

Compliance or Monitoring Action to be Performed: Prior to Recordation of Final Map subdivider shall submit improvement plans prepared by Engineer to local fire jurisdiction and to DPW for approval. Roads to be constructed in accordance with approved plans.

25. PW0023 -IMPROVEMENT PLANS

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: Provide improvement plans for approval of the Department of Public Works and that the roads be constructed in accordance with the typical section shown on the tentative map. (Public Works)

Compliance or Monitoring Action to be Performed: Prior to Recordation of Final Map, subdivider shall submit improvement plans prepared by his/her Engineer to DPW for approval. Improvements to be bonded prior to recordation of final map.

26. PW0027 - CUT/FILL SLOPE (2:1)

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: Cut and fill slopes shall not exceed 2 to 1 except as specifically approved in concurrence with the geo-technical report. (Public Works)

Compliance or Monitoring Action to be Performed: Prior to Recordation of Final Map, Subdivider's Engineer shall include notes on Improvement Plans

27. PW0030 -HOMEOWNERS ASSOCIATION

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: Form a homeowners association for road and drainage maintenance. Prepare an operation and maintenance plan for all facilities. Implement a fee program to fund operation and maintenance, and have appropriate documentation recorded against each parcel within the subdivision. (Public Works)

Compliance or Monitoring Action to be Performed: Prior to Recordation of Final Map, subdivider shall submit documentation to DPW and WRA for formation of homeowners association or other entity to maintain roads and drainage improvements.

28. PW0032 -AS BUILT PLANS

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: A Registered Civil Engineer shall file as built plans (originals) in the Department of Public Works with a letter certifying improvements have been made in conformance to improvement plans and local ordinance. (Public Works)

Compliance or Monitoring Action to be Performed: Prior to Release of Bonds, Subdivider's Engineer shall submit as built plans and stamped notice of completion letter to DPW for review and approval.

29. PWSP002 NON-STANDARD-CONSTRUCTION MANAGEMENT PLAN

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: Prior to issuance of Grading Permits or Building Permits, applicant shall submit a Construction Management Plan (CMP) to the RMA-Planning Department and the Department of Public Works for review and approval. The CMP shall include measures to minimize traffic impacts during the construction/grading phase of the project and shall provide the following information: Duration of the construction, hours of operation, an estimate of the number of truck trips that will be generated, truck routes, number of construction workers, parking areas for both equipment and workers, and locations of truck staging areas. Approved measures included in the CMP shall be implemented by the applicant during the construction/grading phase of the project. (RMA- Public Works)

Compliance or Monitoring Action to be Performed: Prior to issuance of any Demolition, Grading Permits or Building Permits

30. WR0041 NOTICE OF WATER CONSERVATION REQUIREMENTS (WR)

Responsible Department: Water Resources Agency

Condition/Mitigation Monitoring Measure: A notice shall be recorded on the deed for each lot stating: "All new construction shall incorporate the use of low water use plumbing fixtures and drought tolerant landscaping, in accordance with County Water Resources Agency Ordinance No. 3932". Prior to recordation of the final map, a copy the completed notice shall be provided to the Water Resources Agency for approval. Recordation of the notice shall occur concurrently with the final map. (Water Resources Agency)

Compliance or Monitoring Action to be Performed: Prior to recording Final Map

31. WR0042 LANDSCAPING REQUIREMENTS (WR)

Responsible Department: Water Resources Agency

Condition/Mitigation Monitoring Measure: A notice shall be recorded on the deed for each lot stating: "The front yards of all homes shall be landscaped at the time of construction. Low water use or drought tolerant plants shall be used together with water efficient irrigation systems." Prior to recordation of the final map, a copy the completed notice shall be provided to the Water Resources Agency for approval. Recordation of the notice shall occur concurrently with the final map. (Water Resources Agency)

Compliance or Monitoring Action to be Performed: Priot to recording Final Map

32. WRSP001 -FLOODPLAIN RECORDATION

Responsible Department: Water Resources Agency

Condition/Mitigation Monitoring Measure: Prior to filing the final map, the owner shall provide the Water Resources Agency a signed and notarized Floodplain Notice for proposed lots 1, 2, and 4, stating: "The property is located within or partially within a floodplain and may be subject to building and/or land use restrictions." The notice shall be recorded concurrently with the record of survey. (Water Resources Agency)

Compliance or Monitoring Action to be Performed: To be recorded concurrently with the Parcel Map, the subdivider shall submit a signed and notarized floodplain notice for lots, 1, 2, and 4, to the Water Resources Agency for review and approval. (A copy of the County's standard notice can be obtained at the Water Resources Agency.)

33. FIRES001 - NON-STANDARD CONDITION - ROAD ACCESS

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: All Roads shall be constructed to provide a minimum of two nine-foot traffic lanes with an unobstructed vertical clearance of not less than 15 feet. The roadway surface shall provide unobstructed access to conventional drive vehicles including sedans and fire apparatus and shall be an all-weather surface designed to support the imposed load of fire apparatus (22 tons). Each road shall have an approved name.
Responsible Land Use Department: Monterey County Regional Fire District.

Compliance or Monitoring Action to be Performed: Prior to approval of the final map, the Applicant shall incorporate the specification of the roadway into the design and print the text of this condition as "Fire Department Notes" on the roadway improvement plans.

A note shall be placed on the Parcel Map that "Prior to issuance of grading and/or building permits for development on individual lots, the Applicant shall complete the installation of the common roadway improvements and obtain fire department approval of the final fire inspection of the common roadway improvements."

34. FIRE002 - ROADWAY ENGINEERING

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: The grade for all roads shall not exceed 15 percent. Where road grades exceed 8 percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The length of vertical curves in roadways, exclusive of gutters, ditches and drainage structures designed to hold or divert water, shall not be less than 100 feet. No roadway turn shall have a horizontal inside radius of less than 50 feet. A roadway turn radius of 50 to 100 feet is required to have an additional 4 feet of roadway surface. A roadway turn radius of 100 to 200 feet is required to have an additional 2 feet of roadway surface. Roadway turnarounds shall be required on dead-end roads in excess of 150 feet of surface length. The minimum turning radius for a turnaround shall be 40 feet from the center line of the road. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length. Responsible Land Use Department: Monterey County Regional Fire District

Compliance or Monitoring Action to be Performed: Prior to approval of the final map, the Applicant shall incorporate the specification of the roadway design into the design and print the text of this condition as "Fire Department Notes" on the roadway improvement plans.

A note shall be placed on the Parcel Map "Prior to issuance of grading and/or building permit(s) for development on individual lots, the Applicant shall complete the installation of the common roadway improvements and obtain fire department approval of the final fire inspection of the common roadway improvements."

35. FIRES02 - NON-STANDARD CONDITION - DEAD-END ROADS

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: For parcels greater than 20 acres, each dead-end road shall have turnarounds at its terminus and at no greater than 1320-foot intervals. The minimum turning radius for a turnaround shall be 40 feet from the center line of the road. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length.

Responsible Land Use Department: Monterey County Regional Fire District.

Compliance or Monitoring Action to be Performed: Prior to approval of the final map, the Applicant shall incorporate the specification of the roadway into the design and print the text of this condition as "Fire Department Notes" on the roadway improvement plans.

36. FIRESPO3 - NON-STANDARD CONDITION - DRIVEWAYS

Responsible Department: Fire

**Condition/Mitigation
Monitoring Measure:**

Driveways shall be required for every building when any portion of the exterior wall of the first story is located more than 150 feet from fire department access. Driveways shall be not less than 12 feet wide unobstructed, with an unobstructed vertical clearance of not less than 15 feet. The grade for all driveways shall not exceed 15 percent without approved mitigating driveway features. The grade for driveways may be permitted to exceed 15 percent with mitigating driveway features approved by the fire district. Where the grade exceeds 8 percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The driveway surface shall be capable of supporting the imposed load of fire apparatus (22 tons) and be accessible by conventional-drive vehicles, including sedans. For driveways with turns 90 degrees and less, the minimum horizontal inside radius of curvature shall be 25 feet. For driveways with turns greater than 90 degrees, the minimum horizontal inside radius curvature shall be 28 feet. For all driveway turns, an additional surface of 4 feet shall be added. All driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided at no greater than 400-foot intervals. Turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum of 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the center line of the driveway. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length.

Responsible Land Use Department: Monterey County Regional Fire District.

**Compliance or
Monitoring
Action to be Performed:**

Prior to approval of the final map, the Applicant shall print the text of this condition as "Fire Department Notes" on the Final Map.

37. FIRE008- GATES

Responsible Department: Fire

**Condition/Mitigation
Monitoring Measure:**

All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. Where a one-way road with a single traffic lane provides access to a gated entrance, a 40-foot turning radius shall be used. Where gates are to be locked, the installation of a key box or other acceptable means for immediate access by emergency equipment may be required. **Responsible Land Use Department:** Monterey County Regional Fire District

**Compliance or
Monitoring
Action to be Performed:**

Prior to approval of the final map, the Applicant shall incorporate the specification of any access gates to be located on the common road into the common roadway design and print the text of this condition as "Fire Department Notes" on the Parcel Map.

A note shall be placed on the Parcel Map that "Prior to issuance of grading and/or building permit(s) for development on individual lots, the Applicant shall complete the installation of any gates on the common driveway improvements and obtain fire department approval of the final fire inspection of the common roadway improvements."

38. FIRE010 -ROAD SIGNS

Responsible Department: Fire

**Condition/Mitigation
Monitoring Measure:**

All newly constructed or approved roads and streets shall be designated by names or numbers, posted on signs clearly visible and legible from the roadway. Size of letters, numbers and symbols for street and road signs shall be a minimum 4-inch letter height, ½-inch stroke, and shall be a color that is reflective and clearly contrasts with the background color of the sign. All numerals shall be Arabic. Street and road signs shall be non-combustible and shall be visible and legible from both directions of vehicle travel for a distance of at least 100 feet. Height, visibility, legibility, and orientation of street and road signs shall be meet the provisions of Monterey County Ordinance No. 1241. This section does not require any entity to rename or renumber existing roads or streets, nor shall a roadway providing access only to a single commercial or industrial occupancy require naming or numbering. Signs required under this section identifying intersecting roads, streets and private lanes shall be placed at the intersection of those roads, streets and/or private lanes. Signs identifying traffic access or flow limitations (i.e., weight or vertical clearance limitations, dead-end road, one-way road or single lane conditions, etc.) shall be placed: (a) at the intersection preceding the traffic access limitation; and (b) not more than 100 feet before such traffic access limitation. Road, street and private lane signs required by this article shall be installed prior to final acceptance of road improvements by the Reviewing Fire Authority. (Carmel Valley Fire District)

**Compliance or
Monitoring
Action to be Performed:**

Prior to filing of the Final Map, the Applicant shall incorporate the road sign specification into the design and print the text of this condition as "Fire Department Notes" on the improvement plans.

39. FIRESPO4 - NON-STANDARD CONDITION - ADDRESSES FOR BUILDINGS

Responsible Department: Fire

**Condition/Mitigation
Monitoring Measure:**

All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols shall be a minimum of 4-inch height, 1/2 inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be visible and legible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway and/or common roadway, they shall be mounted on a single sign. Permanent address numbers shall be posted prior to requesting final clearance. Responsible Land Use Department: Monterey County Regional Fire District.

**Compliance or
Monitoring
Action to be Performed:**

Prior to filing the final map, the Applicant shall incorporate into the design for a common-road entrance the specification for a multiple-address sign to be located at Rancho San Carlos Road. The Applicant shall also print the text of this condition as "Fire Department Notes" on the Parcel Map.

40. FIRESPO5 - NON-STANDARD CONDITION - EMERGENCY WATER STANDARDS - FIRE PROTECTION WATER SUPPLY (SII)

Responsible Department: Fire

**Condition/Mitigation
Monitoring Measure:**

For existing structures and for the development of structures totaling less than 3,000 square feet on a single parcel, the minimum fire protection water supply shall be 4,900 gallons. For existing structures and for development of structures totaling 3,000 square feet or more on a single parcel, the minimum fire protection water supply shall be 9,800 gallons. For development of structures totaling more than 10,000 square feet on a single parcel, the reviewing authority may require additional fire protection water supply. The quantity of water required by this condition shall be in addition to the domestic demand and shall be made permanently and immediately available prior to occupancy. Responsible Land Use Department, Monterey County Regional Fire District.

**Compliance or
Monitoring
Action to be Performed:**

Prior to approval of the final map, the Applicant shall print the text of this condition as "Fire Department Notes" on the Final Map and on the roadway improvement plans.

41. FIRESPO6 - NON-STANDARD CONDITION - FIRE HYDRANTS/FIRE VALVES

Responsible Department: Fire

**Condition/Mitigation
Monitoring Measure:**

A fire hydrant or fire valve is required for each parcel and shall be made serviceable prior to occupancy. The hydrant or fire valve shall be 18 inches above grade, 8 feet from flammable vegetation, no closer than 4 feet and no further than 12 feet from a roadway, and in a location where fire apparatus using it will not block the roadway. The hydrant serving any building shall not be less than 50 feet and not more than 1000 feet by road from the building it is to serve. Minimum hydrant standards shall include a brass head and valve with at least one 2-1/2-inch National Hose outlet supplied by a minimum 4-inch main and riser. More restrictive hydrant requirements may be applied by the Reviewing Authority. Each hydrant/valve shall be identified with a reflectorized blue marker, with minimum dimensions of 3 inches, located on the driveway address sign, non-combustible post or fire hydrant riser. If used, the post shall be within 3 feet of the hydrant/valve, with the blue marker not less than 3 feet or greater than 5 feet above the ground visible from the driveway. On paved roads or driveways, reflectorized blue markers shall be permitted to be installed in accordance with the State Fire Marshal's Guidelines for Fire Hydrant Markings Along State Highways and Freeways, May 1988. Responsible Land Use Department: Monterey County Regional Fire District

**Compliance or
Monitoring
Action to be Performed:**

Prior to approval of the final map, the Applicant shall print the text of this condition as "Fire Department Notes" on the Final Map and on the roadway improvement plans.

42. FIRESPO7 - NON-STANDARD CONDITION - SETBACKS

Responsible Department: Fire

**Condition/Mitigation
Monitoring Measure:**

The homeland boundary of all parcels shall be at least 30 feet from the property lines. Responsible Land Use Department: Monterey County Regional Fire District

**Compliance or
Monitoring
Action to be Performed:**

Prior to approval of the final map, the Applicant shall print the text of this condition as "Fire Department Notes" on the Final Map and on the roadway improvement plans.

43. FIRE017 - DISPOSAL OF VEGETATION AND FUELS

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: Disposal, including chipping, burying, or removal to a landfill site approved by the local jurisdiction, of vegetation and debris caused by site development and construction, road and driveway construction, and fuel modification shall be completed prior to final clearance of the related permit.

Responsible Land Use Department: Monterey County Regional Fire District

Compliance or Monitoring Action to be Performed: Prior to approval of the approval of the final map, the Applicant shall print the text of this condition as "Fire Department Notes" on the Final Map and on the roadway improvement plans.

Prior to the issuance of building permit(s) for development on individual lots, the Applicant shall complete the removal of cut vegetation and debris resulting from any common road construction.

44. FIRE019 - DEFENSIBLE SPACE REQUIREMENTS - (STANDARD)

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: Manage combustible vegetation from within a minimum of 100 feet of structures, or to the property line, whichever is closer. Trim tree limbs to a minimum height of 6 feet from the ground. Remove tree limbs from within 10 feet of chimneys. Additional and/or alternate fire protection or firebreaks approved by the fire authority may be required to provide reasonable fire safety. Environmentally sensitive areas may require alternative fire protection, to be determined by Reviewing Authority and the Director of Planning and Building Inspection. Responsible Land Use Department: Monterey County Regional Fire District

Compliance or Monitoring Action to be Performed: Prior to approval of the final map, the Applicant shall print the text of this condition as "Fire Dept. Notes" on the Final Map and the roadway improvement plans.

45. PDSP 03 --SECOND UNITS

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: A note shall be included on the Parcel Map or a separate sheet recorded with the Parcel Map stating: "No more than 3 of the 4 lots can have guesthouses and nor more than 3 of the lots can have accessory dwelling units." The applicant shall identify which parcels may have guest houses and accessory dwelling units prior to recordation of the Parcel Map and this shall be stated in the note on the map.

Compliance or Monitoring Action to be Performed: Note shall be recored on or with Parcel Map