



Monterey County Board of Supervisors

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Board Order

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

Held a Public hearing and adopted Resolution No. 15-066 to accept an Annual Report on the status of compliance with Condition of Approval/Mitigation Monitoring and Reporting Plans for all land use projects with mitigation measures approved by the County of Monterey in 2014(Condition of Approval and Mitigation Monitoring and Reporting Program 2014 Annual Report - REF150006/Countywide)

PASSED AND ADOPTED on this 17th day of March 2015, by the following vote, to wit:

AYES: Supervisors Armenta, Phillips, 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 March 17, 2015.

Dated: March 12, 2015
File ID:RES 15-024

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

By Denise Hancock
Deputy

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

Resolution No. 15-066

Resolution by the Board of Supervisors accepting)
an Annual Report on the status of compliance)
with Condition of Approval / Mitigation)
Monitoring and Reporting Plans for all land use)
projects with mitigation measures approved by)
the County of Monterey in 2014.)
(Condition of Approval and Mitigation)
Monitoring and Reporting Program 2014 Annual)
Report – REF150006/Countywide).....)

WHEREAS, the California Environmental Quality Act (Public Resources Code section 21000 et seq., “CEQA”) requires that a Mitigation Monitoring and Reporting Plan be adopted for every land use project approved subject to mitigation measures; and

WHEREAS, the California Environmental Quality Act and its implementing regulations in Title 14 of the California Code of Regulations commencing at Section 15000 et seq., (“CEQA Guidelines”) were adopted by the State of California to provide administrative procedures to implement CEQA; and

WHEREAS, the County of Monterey has adopted local guidelines for implementing the California Environmental Quality Act by Ordinance of the Board of Supervisors (Ordinance No. 04087) (Monterey County CEQA Guidelines); and

WHEREAS, the Monterey County CEQA Guidelines incorporate the same provisions of the California Environmental Quality Act that require adoption of a Mitigation Monitoring and Reporting Plan; and

WHEREAS, in response to a Settlement Agreement between the Save Our Peninsula Committee and the County of Monterey in 2000, the Board adopted procedures for a County of Monterey Condition of Approval and Mitigation and Monitoring and Reporting Program (“Procedures”); and

WHEREAS, on January 24, 2012, in response to further litigation from Save Our Peninsula Committee, the County amended the Procedures by Board of Supervisors’ Resolution No. 12-021, including the requirement to prepare annual reports relating to the status of compliance with mitigation measures, any related code enforcement actions, and any proposed action to modify conditions of approval for land use projects approved in the previous calendar year; and

WHEREAS, with the goal of improving its compliance with CEQA, its related mitigation monitoring and reporting procedures, and the ability of the public to review and monitor compliance with CEQA and its own procedures, the County further amended the Procedures on December 16, 2014 by Board of Supervisors’ Resolution No. 14-364 (“Amended Program”); and

WHEREAS, Section III.E of the Amended Program require that the annual report be considered by the Board of Supervisors at a noticed public hearing; and

WHEREAS, notice of the March 17, 2015 public hearing at the Board of Supervisors on the annual report, as required by the Amended Program, was published in the *Monterey County Weekly* on March 5, 2015; and

WHEREAS, in compliance with Section 9 of the Settlement Agreement (dated September 16, 2011), Save Our Peninsula Committee's representative was provided notice of the Monterey County Board of Supervisors' public hearing noticed for March 17, 2015 and a copy of the annual report; and

WHEREAS, on March 17, 2015, County staff provided a staff report, for the public and Board of Supervisors' consideration, that provided the annual report for 2014, as required by the Amended Program; and

WHEREAS, the Board of Supervisors held a duly noticed public hearing on March 17, 2015 and considered the 2014 Annual Report and took public testimony.

DECISION

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Supervisors of the County of Monterey accepts the Annual Report on the status of compliance with Condition of Approval / Mitigation Monitoring and Reporting Plans for all land use projects with mitigation measures approved by the County of Monterey in 2014, attached hereto and incorporated herein by reference.

PASSED AND ADOPTED upon motion of Supervisor Potter, seconded by Supervisor Armenta and carried this 17th day of March 2015, by the following vote, to wit:

AYES: Supervisors Armenta, Phillips, 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 March 17, 2015.

Dated: March 19, 2015
File Number: RES 15-0424

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

By Denise Hancock
Deputy

County of Monterey

Condition of Approval and Mitigation Monitoring and Report Program

2014 Annual Report

Summary

This is the Annual Report on the status of compliance with condition of approval / mitigation monitoring and reporting plans for all land use projects with mitigation measures approved by the County of Monterey in 2014, any related code enforcement actions undertaken in 2014, related trainings, and any proposed action to modify conditions of approval for land use projects approved in 2014. This report is required pursuant to Section III.E of the County of Monterey Condition of Approval and Mitigation Monitoring and Reporting Program (“Program”).

2014 Projects

In 2014, one EIR and six Mitigated Negative Declarations were adopted (**Exhibit 1**). As demonstrated in **Exhibit 2**, every project on the list is in compliance with their conditions of approval and mitigation measures. None of them have asked for modifications to the conditions of approval, and none of them are under a code enforcement action to require compliance with the conditions of approval or mitigation measures. Some projects have been recently approved and have not started the process of condition compliance. Two permit amendments were approved in 2014—both of the original projects and the amendments were exempt from CEQA.

Enforcement

RMA-Planning notified one applicant on December 19, 2014 (Skeen – PLN060735/PLN110448) over the alleged failure to comply with conditions of approval and requested a meet and confer, pursuant to Section III.D.2. This permit was approved in July 2008 and was subsequently litigated. The litigation was resolved in 2012. Staff identified two conditions of approval (Indemnification Agreement and the Condition of Approval / Mitigation Monitoring and Reporting Plan Agreement) that were not in compliance. Due to the holidays, this action was still pending at the end of 2014. County staff met and conferred with the applicant’s attorney on January 29, 2015. Prior to the meeting, the Indemnification Agreement was recorded on January 6, 2015. At the meeting, County staff and the Applicant’s attorney agreed that a signed and notarized copy of the Mitigation Monitoring Agreement would be submitted by March 1, 2015. The Mitigation Monitoring Agreement was submitted on February 23, 2015. The project is now in compliance.

Training

In early 2014, RMA-Planning created a new team within RMA-Planning to track condition compliance and mitigation monitoring. Over the past year, the team has been ensuring compliance with the Board-adopted program and assisting applicants with obtaining documentation from the land use departments to ensure that conditions are cleared and documented properly. The Manager for the team serves as the Program Coordinator required by the Condition of Approval and Mitigation Monitoring and Reporting Program.

Over the past year, RMA-Planning has updated procedures for clearing conditions and mitigation measures. Staff created “Standard Comments” for specific conditions to make the documentation more uniform. Agencies are required to input the date the condition was met, how it was met, and the person in the land use department who cleared the condition into the County’s permits tracking database, Accela Automation. This information is available to the

public through the public access component of the database called Accela Citizen Access (<<https://aca.accela.com/monterey/default.aspx>>). This public access portal allows any member of the public access to Planning and Building permit information for the unincorporated areas of Monterey County 24 hours a day, 7 days a week. Information can be searched by street address, Assessor's Parcel Number, or Permit File Number. With the approval of the amendments to the Program in December 2014, the documentation to support the clearance of conditions will now be readily available through Accela Citizen Access.

The RMA Services Manager who heads the condition compliance team has provided training to the other land use departments on tracking condition compliance per the terms of the Program. Representatives from RMA-Planning, "Responsible Departments" and "Advisory Agencies," as those terms are defined in the Program, met on four occasions in 2014 at the Interagency Review meeting to review procedures for inputting Condition Compliance documentation into Accela, expectations and responsibilities for tracking and monitoring mitigation measures, and to review the amendments to the Program approved in December 2014.

Meet and Confer

During the past year, County staff met and conferred with representatives from the Save Our Peninsula Committee ("SOPC") to review the proposed amendments to the Program prior to the Board's consideration of the amendments. The meetings provided the opportunity for staff to explain the use of the Accela database for monitoring condition compliance and for SOPC to express concerns regarding enforcement, accessibility of the documents, and some of the proposed modifications. Staff took account of the input, including adding procedures for monitoring compliance with the conditions of approval for discretionary permits that do not have mitigation measures. County staff also agreed to work on developing user-friendly instructions for using Accela Citizen Access to be posted on County's website. Staff also agreed to meet with SOPC within 12 months of the adoption of the Program amendments to ascertain how the amended Program is working.

Exhibits:

1. Detailed Project List – 2014
2. Annual Report Matrix – 2014

EXHIBIT 1 2014 ANNUAL REPORT

Project Name	File Number	Decision Date	CEQA Status	Mitigation Monitoring Agreement Document Number	Overall Project Status (permits issued; commenced use)	# of Conditions on project	# of Mitigation Measures on project	Is Project in Compliance with Cond. & MM? (Y/N)	CE Action Taken? (Compliance Order Issued) (Y/N)
1 FERRINI RANCH	PLN040758	12/16/2014	EIR	Not Recorded Yet	Condition compliance (project in litigation).	81	57	Y	N
2 TELESPAN COMM. (VERIZON WIRELESS)	PLN120802	1/29/2014	MND	Doc. #2014018422	Condition compliance; 14CP00788 has been applied for.	21	1	Y	N
3 BEROLZHEIMER MICHAEL GEORGE TR	PLN120627	1/29/2014	MND	Doc. #2014040512	Condition compliance; 14CP00830 has been issued.	17	3	Y	N
4 THE MEADOWS COMMUNITY ASSOCIATION	PLN080527	4/30/2014	MND	Doc. #2015005966	Condition compliance; 15CP00068 (grading permit) has been applied for.	22	3	Y	N
5 GREEN MEADOWS INC (QUAIL LODGE GOLF COURSE)	PLN140126	8/14/2014	MND	Doc. #2014044777	Condition compliance; 13CP02132 has been issued.	20	1	Y	N
6 RAMDE RAKESH & JABINA TRS	PLN140244	10/30/2014	MND	Doc. #2015002353	Condition compliance; 14CP00998 has been applied for.	23	1	Y	N
7 COUNTY OF MONTEREY RMA-PUBLIC WORKS (MOSS LANDING UNDERGROUND RULES)	PLN130590	12/11/2014	MND	County project; none required pursuant to Section III.A.2 of COA-MMR Program	Condition compliance.	6	10	Y	N

EXHIBIT 2

Monterey County Resource Management Agency Planning

Projects Decided in 2014 with EIR and MND

EIR

1

Application Title: BOLLENBACHER & KELTON INC (FERRINI RANCH)

File No: [PLN040758](#)

Decision Date: 12/16/2014

Entitlement: Standard Subdivision

Location: 715 MONTEREY SALINAS HWY, SALINAS, CA 93908

Planning Area: Toro

Current Status: Pending Approved

Description

Combined Development Permit consisting of: 1) Standard Subdivision Vesting Tentative Map for the subdivision of approximately 870 acres into 212 lots including 146 market rate single family residential lots, 23 clustered market rate residential lots and 43 lots for Inclusionary Housing units; three Open Space parcels of approximately 600 acres (Parcels A, B, & C), and one agricultural-industrial parcel (Parcel D) for the future development of a gateway/visitor center for the River Road Wine Corridor; 2) Use Permit for removal of up to 921 protected Oak trees; 3) Use Permit for development on slopes exceeding 30 percent; a General Plan Amendment to amend the land use designation of one parcel (Parcel D) from Low Density Residential to Agricultural Industrial; and an amendment to the Zoning Ordinance changing Parcel D from LDR/2.5-VS (Low Density Residential, 2.5 acres/unit with Visual Sensitivity) to AI-VS (Agricultural Industrial with Visual Sensitivity).

Mitigated Negative Declaration

6

Application Title: HASSETT ERIC ANTHONY & PATRICK MICHAEL HASSETT TRS (TELESPAN COMMUNICATIONS LLC)

File No: [PLN120802](#)

Decision Date: 01/29/2014

Entitlement: Combined Development Permit

Location: 1180 SAN MIGUEL CYN RD, ROYAL OAKS, CA 95076

Planning Area: North County LCP

Current Status: Condition Compliance

Description

Combined Development Permit consisting of: 1) Coastal Development Permit to allow the development of a wireless telecommunications "Co-location Facility". The facility includes a 150 foot high monopole that will support up to four commercial telecommunication providers, two 240 square foot equipment shelters, two 50 foot emergency generators and two 100 square foot areas for future equipment shelters for commercial telecommunication providers. The facility would be located in a 3,500 square foot fenced in area. The project includes approximately 1,730 cubic yards of grading (865 cubic yards of cut and 865 cubic yards of fill) for site improvements including a new access road and will require the removal of two Pajaro Manzanita scrubs; 2) Coastal Development Permit to allow the removal of 14 trees (five Oaks, two Pines, and seven Cottonwoods); 3) Coastal Development Permit to allow ridgeline development; and 4) Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat area. The property is located 1/2 mile south of the Hall Road and San Miguel Canyon Road Intersection, Royal Oaks (Assessor's Parcel Number 181-061-012-000), North County Land Use Plan, Coastal Zone.

Monterey County Resource Management Agency Planning

Projects Decided in 2014 with EIR and MND

Application Title: BEROLZHEIMER MICHAEL GEORGE TR

File No: [PLN120627](#)

Decision Date: 01/29/2014

Entitlement: Combined Development Permit

Location: 1149 SPYGLASS HILL RD, PEBBLE BEACH, CA 93953

Planning Area: Del Monte Forest LUP

Current Status: Condition Compliance

Description

Combined Development Permit consisting of: 1) a Coastal Administrative Permit and Design Approval to allow construction of a 425 square foot guesthouse that will be attached to an existing single family residence by a wall approximately 10 feet long and 7 feet-3 inches tall, extension of an existing fence to attach to guesthouse and restoration of approximately 702 square feet of paved areas to native dune habitat; 2) a Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat; and 3) a Coastal Development Permit to allow development within 750 feet of known archaeological resources. The property is located at 1149 Spyglass Hill Road, Pebble Beach (Assessor's Parcel Number 008-012-006-000), Del Monte Forest Land Use Plan, Coastal Zone.

Application Title: MEADOWS COMMUNITY ASSOC

File No: [PLN080527](#)

Decision Date: 05/14/2014

Entitlement: Combined Development Permit

Location: 9999 TO BE ASSIGNED, TO BE ASSIGNED, CA 99999

Planning Area: Toro

Current Status: Condition Compliance

Description

Combined Development Permit consisting of a: 1) Use Permit for the replacement of two existing 55,000 gallon water storage tanks with two 200,000 gallon water storage tanks; 2) Administrative Permit for development within a Visual Sensitivity (VS) Zoning District; 3) Use Permit for development on slopes in excess of 25%; and 4) Tree Removal Permit to allow the removal of two Oak (8" and 20") trees. The property is located off of Paseo Privado, Salinas (Assessor's Parcel Number 161-211-013-000), Toro Area Plan.

Application Title: GREEN MEADOWS INC (QUAIL LODGE GOLF COURSE)

File No: [PLN140126](#)

Decision Date: 08/14/2014

Entitlement: Administrative Permit

Location: 9999 PLACEHOLDER ADDRESS, PLACEHOLDER ADDRESS

Planning Area: Carmel Valley Master Plan

Current Status: Condition Compliance

Description

Administrative Permit to allow renovations and improvements to the Quail Lodge Golf Course. Renovations include: 1) Reconstruction of five (5) water features and the removal of three (3) water features; 2) Tee and bunker improvements; 3) New swale contour on Holes #1, 2 and 3; 4) Improvements to cart path; 5) Installation of a new irrigation system; and 6) Shortening of Hole #10 and lengthening of Hole #11. The properties are located along Valley Greens Drive, Carmel (Assessor's Parcel Numbers 157-031-011-000, 157-031-012-000, 157-031-015-000, 157-031-016-000, 157-031-017-000, 157-031-020-000, 157-031-023-000, and 157-031-026-000), Carmel Valley Master Plan.

Monterey County Resource Management Agency Planning

Projects Decided in 2014 with EIR and MND

Application Title: RAMDE RAKESH & JABINA TRS

File No: [PLN140244](#)

Decision Date: 10/30/2014

Entitlement: Coastal Administrative Permit

Location: 26378 ISABELLA AVE, CARMEL, CA 93923

Planning Area: Carmel LUP

Current Status: Pending Approved

Description

Combined Development Permit consisting of: 1) Coastal Administrative Permit and Design Approval to allow the demolition of an existing 1,056 square foot single family dwelling and detached guesthouse and the construction of a 1,558 square foot two-story single family dwelling with a 238 square foot garage and 882 square foot basement; and 2) Coastal Development Permit to allow development within 750 feet of known archaeological zone. The property is located at 26378 Isabella Avenue, Carmel (Assessor's Parcel Number 009-441-025-000), Carmel Area Land Use Plan, Coastal Zone.

Application Title: COUNTY OF MONTEREY RMA PUBLIC WORKS (MOSS LANDING UNDER GROUND UTILITY DISTRICT RULE 20A)

File No: [PLN130590](#)

Decision Date: 12/11/2014

Entitlement: Coastal Development Permit

Location: 7454 SANDHOLDT RD, MOSS LANDING, CA 95039

Planning Area: Moss Landing Comm Plan

Current Status: Pending Approved

Description

Coastal Development Permit for development on a site with a positive archaeological report to allow the installation of underground electrical utilities, cable, phone, and associated infrastructure throughout the community of Moss Landing. The utility undergrounding will replace existing overhead infrastructure, which will be removed. The project is located in the Moss Landing Community Plan of the North County Coastal Zone.