

## Attachment G

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## MONTEREY COUNTY PLANNING COMMISSION

<b>Meeting:</b> January 8, 2014 Time: 10:30 A.M	<b>Agenda Item No.:</b> 6
<b>Project Description:</b> Consider Combined Development Permit consisting of: 1) a Minor Subdivision 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 20 protected Coastal live oak 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 a 100,000 gallon water storage tank and grading (approximately 45,000 cubic yards cut and 45,000 cubic yards fill).	
<b>Project Location:</b> 27050, 27070 and 27080 Rancho San Carlos Road, Carmel	<b>APN:</b> 157-181-006-000, 157-181-007-000-000, 157-181-008-000
<b>Planning File Number:</b> PLN060603	<b>Owner:</b> Heritage Development/Jeff Taylor <b>Agent:</b> Joel Panzer
<b>Planning Area:</b> Carmel Valley Master plan	<b>Flagged and staked:</b> No
<b>Zoning Designation:</b> RC/10-D-S-RAZ (Resource Conservation, 10 acres per unit with Design Control, Site Plan Review and Residential Allocation Zoning Overlays]	
<b>CEQA Action:</b> Addendum to EIR certified February 1996.	
<b>Department:</b> RMA - Planning Department	

### RECOMMENDATION:

Staff recommends that the Planning Commission adopt a resolution (**Exhibit C**) to:

- 1) Certify that it has reviewed and considered the previously certified EIR (Exhibit K) and proposed Addendum for the Santa Lucia preserve; and
- 2) Approve PLN060603, based on the findings and evidence and subject to the conditions of approval (**Exhibit C**); and
- 3) Adopt a Mitigation Monitoring and Reporting Plan and Conditions of Approval.

### Summary:

The applicant requests approval of a Minor Subdivision to subdivide 3 existing lots into 4 lots resulting in a net increase of 1 lot. The site is approximately 103 acres and is located along the south side of the Carmel River, west of Rancho San Carlos Road. The site is within the Santa Lucia Preserve for which an EIR was certified. An Addendum to the Santa Lucia Preserve FEIR has been prepared for this project.

This item was continued from the meeting of October 30, 2013 to the meeting of December 11, 2013 to modify the conditions addressing the items discussed by the Planning Commission. This was completed and the project was ready for Commission Action. At the request of the applicant the item was continued to address concerns brought up in a December 8, 2013 letter to the Planning Commission and to determine if refinements could be made to the conditions allowing the applicant a little more flexibility. The discussions between the applicant and staff did not result in solutions beyond what is contained in the recommendation from staff for the December 11, 2013 hearing. This staff report will briefly respond to the points contained in the applicant's letter (Exhibit E)

1. Comment that applicant currently has three lots without any restrictions. The site has Design Control and Site Plan Review Zoning Overlays on them so that happens is subject to a discretionary permit. There might not currently be Homeland Boundaries, but since the site is within the Santa Lucia Preserve Project area the Administrative Permit would be conditioned to provide the Homeland Boundary and Openlands Conservation easement as

part of the approval. The development would also be reviewed for consistency with the Comprehensive Development Plan. It is important to incorporate these requirements into the creation of the lots, so that everybody is notified of the development restrictions on the property.

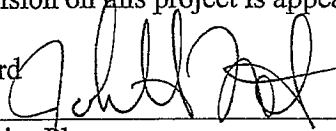
2. Comment that the site is not in the Santa Lucia Preserve. It is clearly shown as being within the area of the Santa Lucia Preserve and is referred to as the West Fields Parcels.
3. The EIR indicated that 18,000 acres were being set aside and applicant contends that this requirement has been fulfilled so he should not be subject to the Conservation easement requirements. The 18,000 acres was not a requirement or threshold but was an indication that a lot of property was being set aside for conservation purposes. A great deal of it was done through the implementation of Conservation easements on individual lots. The approach should be consistently implemented.
4. Reference to EIR citation of Ridgeline Development Policy. Ridgeline development is not an issue here.
5. Comment that they have already trimmed vegetation in homesites for future development. Unfortunately this is true and is clearly visible in the aerial photos.
6. Applicant submitted an alternative map showing areas where irrigation and animal husbandry would be allowed and allowing homeland boundaries in more visible and environmentally sensitive areas of the site. The homeland boundaries high on the slope are either visible or require grading on slopes and tree removal which is not necessary in light of there being other suitable development locations on the property. The condition for the conservation easement was modified to allow row crop farming or keeping of animals in the areas previously irrigated.
7. Restriction of Irrigation to lots 3 and 4. The condition has been modified to allow the lower pasture area of lot 2.
8. Tree Removal. The applicant and staff walked the site and determined that the driveway across lot 2 could be installed without removing more than 4 trees.
9. Second units and guest houses. The project is part of the Santa Lucia Preserve and should be treated similarly.
10. Condition 14. Staff cannot determine if this was written in the context of the changes previously made for the December 11, 2013 hearing. The existing condition is appropriate for the context. It allows continued irrigation of the previously irrigated areas, but does not preclude animal husbandry in the conservation easement.
11. There are examples of lots in the preserve where two homeland boundaries are permitted. The combined area two homeland boundaries within the existing preserve are typically smaller than the single homeland boundaries proposed here. The primary issue with the alternative homeland boundaries is that they require development on slopes in excess of 30% and tree removal to access and have visibility issues.
12. Condition 45. The project is in the Santa Lucia Preserve.



The applicant has a vision of marketing this property with a great deal of flexibility allowing future property owners to choose where they place their homes, while the goal of the Santa Lucia preserve is to protect natural resources and view sheds. The Santa Lucia Preserve seeks to establish clearly articulated limitations of development which would help a homeowner have a clear understanding of what they can or cannot do. This map has been conditioned to accomplish this objective. The decision facing the Planning Commission is whether the project as conditioned is consistent with the General Plan and the Santa Lucia Preserve Comprehensive Development Plan. If the Commission finds that the project is consistent with these plans then it can be approved. The conditions are written in such a way that in order for the applicant to record the Map and create the new parcels, he will need to implement these conditions. An applicant may not agree with the conditions, but if they are required to maintain consistency with a plan, policy or regulation then they must be implemented prior to recordation of the final map.

Note: The decision on this project is appealable to the Board of Supervisors.

/S/ John H. Ford



John Ford, Senior Planner  
(831) 755-5158, fordjh@co.monterey.ca.us  
December 19, 2013

cc: Front Counter Copy; Planning Commission; Monterey County Regional Fire Protection District; RMA-Public Works Department; Parks Department; Environmental Health Bureau; Water Resources Agency; Wanda Hickman, Planning Services Manager; John Ford, Senior Planner; Heritage Development/Jeff Taylor, Owner; Joel Panzer, Agent; The Open Monterey Project; Land Watch; Planning File PLN060603

Attachments:

- |           |   |
|-----------|---|
| Exhibit A | Draft Resolution, including: <ul style="list-style-type: none"><li>• Conditions of Approval</li><li>• Tentative Map</li></ul> |
| Exhibit B | December 11, 2013 Staff Report with Attachments   |
| Exhibit C | Addendum to Santa Lucia Preserve FEIR   |
| Exhibit D | Staff Prepared Exhibit of Homeland Boundaries.  |
| Exhibit E | December 8, 2013 letter from applicant  |
| Exhibit F | Alternative Map from the Applicant.   |
| Exhibit G | Letter from Christine Williams  |

**EXHIBIT A  
DRAFT RESOLUTION**

**Before the Planning Commission in and for the  
County of Monterey, State of California**

In the matter of the application of:

**Heritage Development/Jeff Taylor (PLN060603)**

**RESOLUTION NO. ----**

Resolution by the Monterey County Planning  
Commission:

- 1) Certifying that it has reviewed and considered the previously certified EIR and proposed Addendum for the Santa Lucia preserve.; and
- 2) Approving a Combined Development Permit consisting of: 1) a Minor Subdivision 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 a 100,000 gallon water storage tank and grading (approximately 45,000 cubic yards cut and 45,000 cubic yards fill).; and
- 3) Adopting 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 Heritage Development application (PLN060603) came on for public hearing before the Monterey County Planning Commission on October 30, 2013, December 11, 2013 and on January 8, 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 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 a 100,000 gallon water storage tank and grading (approximately 45,000 cubic yards cut and 45,000 cubic yards fill).

**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:** **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 in Carmel Valley 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.
- 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.

3. **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.

4. **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 public will be provided as part of this development. Each lot will be required to provide a water storage tank for firefighting purposes when the lot develops, underground utilities will be installed, the site has a quality well and sufficient water availability to serve the site and a small water system will be formed.
  - 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.

5. **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.

6. **FINDING:** **CEQA (Addendum):** - An Addendum to a previously certified EIR/MND/ND was prepared pursuant to Code of Regulations, Title 14, Section 15164 to reflect changes or additions in the project that do not cause substantial changes or new information that would require major revisions to the adopted 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 Code of Regulations, Title 14, Section 15164 (CEQA Guidelines).

- c) The Addendum attached as **Exhibit C** to the December 11, 2013, Staff Report to the Planning Commission 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 FEIR.
- 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 this property and identified the potential impacts. The subdivision of this parcel from 3 lots to 4 lots is consistent with the assumption of the EIR prepared for the Santa Lucia Preserve. A Biologic Study, Archaeological Study, Traffic Study, Geologic Study and Historic review were conducted 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.

7.       **FINDING:**       **DEVELOPMENT ON SLOPE** – There is no feasible alternative which would allow development to occur on slopes of less than 30%. 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 road to lot 1 is limited and allows preservation of 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 Planning Commission required conditions of approval and changes in the development to minimize grading for road improvements on steeper slopes. This resulted in the elimination of several homeland areas on lots 2 and 3, and the corresponding access roads.
  - 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.
- f) 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.

8. **FINDING:** **SUBDIVISION** – Section 66474 of the California Government Code (Subdivision Map Act) and Title 19 (Subdivision Ordinance) of the Monterey County Code (MCC) requires that a request for subdivision be denied 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.

**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 Safety. The proposed project as designed and conditioned will not, under the circumstances of the particular application, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or to the general welfare of the County (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 (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. (see Finding 3).
- 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.
- 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.

9. **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 4 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 is less than 10 acre feet per year.
  - c) The water source for the proposed new development is an existing agricultural well 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 right to 26 acre feet of water that has been recorded 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 4 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.

10. **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 said permit 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 8 trees. Four trees are approved for removal associated with the access drive to Lot 1 (across Lot 2), and four trees are approved for removal associated with the future development of the Homeland Boundary on Lot 1. No additional Tree Permit or Use Permit is needed provided that this number of trees to be removed is not exceeded.
  - c) The Forest Management Plan was supplemental reports were prepare 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 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.

11. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors and not the California Coastal Commission
- EVIDENCE:**
- a) Section 21.82.050 of the Monterey County Zoning Ordinance states that the proposed project is appealable to the Board of Supervisors.

## DECISION

**NOW, THEREFORE**, based on the above findings and evidence, the Planning Commission does hereby:

- 1) Certify that it has reviewed and considered the previously certified EIR and proposed Addendum for the Santa Lucia preserve.; and
- 2) Approve a Combined Development Permit consisting of: 1) a Minor Subdivision 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 a 100,000 gallon water storage tank and grading (approximately 45,000 cubic yards cut and 45,000 cubic yards fill).; and
- 3) Adopt a Mitigation Monitoring and Reporting Plan

**PASSED AND ADOPTED** this 8<sup>th</sup> day of January 2014 upon motion of ~~xxxx~~, seconded by ~~xxxx~~, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Mike Novo, Secretary to the Planning Commission

COPY OF THIS DECISION MAILED TO APPLICANT ON DATE

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE [DATE]

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

### NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning Department and Building Services Department office in Salinas.

2. This permit expires 3 years after the above date of granting thereof unless construction or use is started within this period.

**Monterey County Planning Department**  
**DRAFT Condition of Approval Implementation Plan/Mitigation**  
**Monitoring Reporting Plan**

PLN060603

**1. PD001 - SPECIFIC USES ONLY**

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** This Combined Development permit (PLN060603) allows 1) a Minor Subdivision 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.

## 2. PD002 - NOTICE PERMIT APPROVAL

**Responsible Department:** Planning Department

**Condition/Mitigation** The applicant shall record a Permit Approval Notice. This notice shall state:

**Monitoring Measure:**

" Combined Development permit (PLN060603) allows 1) a Minor Subdivision 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 \_\_\_\_\_) was approved by [Name of Hearing Body] on [Date the permit was approved]. The permit was granted subject to \_\_\_\_ 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 the issuance of grading and building permits or commencement of use, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning Department.

## 3. PD004 - INDEMNIFICATION AGREEMENT

**Responsible Department:** Planning Department

**Condition/Mitigation  
Monitoring Measure:**

The property owner agrees as a condition and in consideration of approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. The County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his 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 the issuance of building permits, use of the property, recording of the final/parcel map, whichever occurs first and as applicable, 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 Indemnification Agreement, as outlined, shall be submitted to the RMA-Planning Department.

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

**Responsible Department:** Planning Department

**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:** Planning Department

**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, on an on-going basis, 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:** Planning Department

**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, on an on-going basis, 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:** Planning Department

**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 is possible, 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:** Planning Department

**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:** Planning Department

**Condition/Mitigation Monitoring Measure:** The Use Permit is approved to allow tree removal as follows:

Lot 1	Removal of 4 Trees
Lot 2, 3, 4	Removal of 0 Trees
Access Drive Across Lot 2	Removal of 4 Trees

Total Tree Removal: 8 Trees

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:** Planning Department

**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 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:** Planning Department

**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:** Planning Department

**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:** Planning Department

**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. PDSP001 -- Openlands Conservation Easement

**Responsible Department:** Planning Department

**Condition/Mitigation  
Monitoring Measure:**

In order to retain the Openlands in an undeveloped state in perpetuity, the subdivider shall grant conservation easements to the Santa Lucia Conservancy or other appropriate non-profit land trust organization for Openland areas. Said easements shall be recorded concurrently with filing of the Parcel Map. The form and content of the conservation easement shall be approved by County Counsel and accepted by the Board of Supervisors. The conservation easement shall include the following provisions:

- a) Restrictive covenants limiting uses in perpetuity to:
  - i) project infrastructure and uses described in the project application; and
  - ii) ranching activities and facilities as described in the Revised Rancho San Carlos Cattle Grazing and livestock Management Plan (April 1998);
  - iii) outdoor recreation and facilities; and
  - iv) research, educational and resource management and facilities; and
  - v) prohibiting further subdivision, residences commercial and industrial uses, viticulture, mineral exploration and golf, commercial harvesting or timber and the dumping or disposal of garbage and refuse;
- iv) The covenants may specify that the areas on lots 2 (lower pasture area), 3 and 4 which were historically farmed may continue to be used for row crop farming or irrigated pasture;  
and
- b) Granting to the County of Monterey the non-exclusive right to enforce said restrictive use covenants; and
- c) Prohibiting any amendment of said restrictive use covenants without the prior written consent of the Board of Supervisors. (Planning)

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

Subdivider shall submit easement language with recipient of easement to the RMA-Planning Department for review and approval prior to recordation of the Parcel Map.

The Easement shall be recorded concurrently with the Parcel Map.

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

**Responsible Department:** Planning Department

**Condition/Mitigation  
Monitoring Measure:**

A conservation and scenic easement shall be conveyed to the County of Monterey or the Santa Lucia Conservancy, or other qualified tax-exempt nonprofit organization approved by the County over those portions of the property where slopes exceed 30%. 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. 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 property along with the metes and bound description developed in consultation with a certified professional, 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:** Planning Department

**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:** Planning Department

**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 staff prepared exhibit "Exhibit D". The roadway accessing Lots 1 and 2 will need to be shifted to accommodate the Homeland Boundary on Lot 3 which is designed to retain the existing residence. The homeland boundary and structures will need to provide setbacks as required in the RC Zoning District.

**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:** Planning Department

**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:** Public Works Department

**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:** Public Works Department

**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:** Public Works Department

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

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

## 22. PW0020 - PRIVATE ROADS

**Responsible Department:** Public Works Department

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

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

## 23. PW0021 -ROAD NAMES

**Responsible Department:** Public Works Department

**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  
Subdivider shall submit proposed road names to DPW. DPW will submit to County Communications for Approval.

## 24. PW0022 -FIRE REQUIREMENTS FOR ROADS

**Responsible Department:** Public Works Department

**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:** Public Works Department

**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:** Public Works Department

**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:** Public Works Department

**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:** Public Works Department

**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:** Public Works Department

**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.

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.

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. FIRESPO2 - 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.

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.

### 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.

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.

Prior to issuance of building permit(s) for development on individual lots, the Applicant shall complete the installation of road signs and shall obtain fire department approval of the road sign installation at the final fire inspection of the common roadway improvements.



### 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.

Prior to issuance of building permit(s) for development on individual lots, the Applicant shall complete the installation of multiple-address sign(s) at the common-road entrance at Rancho San Carlos Road and shall obtain fire department approval of the multiple-address road sign as part of the common roadway improvements.

### 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:** Planning Department

**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 2 of the lots can have accessory dwelling units."

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



## MONTEREY COUNTY PLANNING COMMISSION

<b>Meeting:</b> December 11, 2013 Time: 10:30 A.M		<b>Agenda Item No.:</b> 7
<b>Project Description:</b> Consider Combined Development Permit consisting of: 1) a Minor Subdivision 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 20 protected Coastal live oak 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 a 100,000 gallon water storage tank and grading (approximately 45,000 cubic yards cut and 45,000 cubic yards fill).		
<b>Project Location:</b> 27050, 27070 and 27080 Rancho San Carlos Road, Carmel		<b>APN:</b> 157-181-006-000, 157-181-007-000-000, 157-181-008-000
<b>Planning File Number:</b> PLN060603		<b>Owner:</b> Heritage Development/Jeff Taylor <b>Agent:</b> Joel Panzer
<b>Planning Area:</b> Carmel Valley Master plan		<b>Flagged and staked:</b> No
<b>Zoning Designation:</b> RC/10-D-S-RAZ (Resource Conservation, 10 acres per unit with Design Control, Site Plan Review and Residential Allocation Zoning Overlays]		
<b>CEQA Action:</b> Addendum to EIR certified February 1996.		
<b>Department:</b> RMA - Planning Department		

**RECOMMENDATION:**

Staff recommends that the Planning Commission adopt a resolution (**Exhibit C**) to:

- 1) Certify that it has reviewed and considered the previously certified EIR (Exhibit K) and proposed Addendum for the Santa Lucia preserve; and
- 2) Approve PLN060603, based on the findings and evidence and subject to the conditions of approval (**Exhibit C**); and
- 3) Adopt a Mitigation Monitoring and Reporting Plan and Conditions of Approval.

**PROJECT OVERVIEW:**

The applicant requests approval of a Minor Subdivision to subdivide 3 existing lots into 4 lots resulting in a net increase of 1 lot. The site is approximately 103 acres and is located along the south side of the Carmel River, west of Rancho San Carlos Road. The site is within the Santa Lucia Preserve for which an EIR was certified. An Addendum to the Santa Lucia Preserve FEIR has been prepared for this project. The installation of access roads will result in some minor tree removal and grading on slopes in excess of 30%.

This item was continued from the meeting of October 30, 2013 to allow staff to modify the conditions to address the items discussed by the Planning Commission. The original staff report is included as Exhibit B to this report. The following changes have been incorporated into the conditions and findings to address the following:

1. Homeland Boundaries. Exhibit D has been prepared to identify where the homeland boundaries are approved. The condition has been modified to refer to this exhibit. The homeland boundary on Lot 3 has been designed to retain the existing house and barn and allow for additional development. The driveway serving lots 1 and 2 will need to be relocated to provide an adequate setback from the structure.
2. Irrigated areas on Parcels 3 and 4. Condition 14 addressing the language of the Openlands Conservation Easement has been modified to allow the historical farmland to be retained as either row crop or irrigated pasture.

3. Tree Removal. In the Santa Lucia Preserve the Tree removal was addressed in the EIR for the whole of the Santa Lucia Preserve. This project is consistent with that EIR. The Use Permits for Tree Removal have been specific to each project. In this particular case a total of 8 trees can be removed. Up to 4 trees associated with the driveway across lot 2 providing access to lot 1 and up to 4 trees on lot 1. No additional tree removal is approved as part of this Use Permit. The condition has been modified to refer to "protected trees" because there are several protected native tree species involved (Monterey Pine, Coast Live Oak, and Madrone.)
4. Fish and Game Fee Condition. This condition has been removed. Since this project is being considered under an Addendum, it is relying on an environmental document that has already been reviewed by the Department of Fish and Wildlife. No fee is warranted since there is no additional review associated with this project.
5. Second Units and Guesthouses. A condition has been added to reflect the condition applied to other development in the Santa Lucia Preserve.

Note: The decision on this project is appealable to the Board of Supervisors.

/S/ John H. Ford

John Ford, Senior Planner  
(831) 755-5158, fordjh@co.monterey.ca.us  
October 24, 2013

cc: Front Counter Copy; Planning Commission; Monterey County Regional Fire Protection District; RMA-Public Works Department; Parks Department; Environmental Health Bureau; Water Resources Agency; Wanda Hickman, Planning Services Manager; John Ford, Senior Planner; Heritage Development/Jeff Taylor, Owner; Joel Panzer, Agent; The Open Monterey Project; LandWatch; Planning File PLN060603

Attachments:

- Exhibit A Draft Resolution, including:
- Conditions of Approval
  - Tentative Map
- Exhibit B October 30, 2013 Staff Report with Attachments
- Exhibit C Addendum to Santa Lucia Preserve FEIR
- Exhibit D Staff Prepared Exhibit of Homeland Boundaries.

Attachments on CD (Exhibit Lettering same as October 30, 2013 Staff Report)

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

**EXHIBIT A  
DRAFT RESOLUTION**

**Before the Planning Commission in and for the  
County of Monterey, State of California**

In the matter of the application of:

**Heritage Development/Jeff Taylor (PLN060603)**

**RESOLUTION NO. ---**

Resolution by the Monterey County Planning  
Commission:

- 1) Certifying that it has reviewed and considered the previously certified EIR and proposed Addendum for the Santa Lucia preserve.; and
- 2) Approving a Combined Development Permit consisting of: 1) a Minor Subdivision 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 a 100,000 gallon water storage tank and grading (approximately 45,000 cubic yards cut and 45,000 cubic yards fill).; and
- 3) Adopting 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 Heritage Development application (PLN060603) came on for public hearing before the Monterey County Planning Commission on October 30, 2013 and on December 11, 2013. 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 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 a 100,000 gallon water storage tank and grading (approximately 45,000 cubic yards cut and 45,000 cubic yards fill).

**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:** **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 PlanNo 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 in Carmel Valley 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.
  - 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.

3. **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.

4. **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 public will be provided as part of this development. Each lot will be required to provide a water storage tank for firefighting purposes when the lot develops, underground utilities will be installed, the site has a quality well and sufficient water availability to serve the site and a small water system will be formed.
  - 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.

5. **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.

6. **FINDING:** **CEQA (Addendum):** - An Addendum to a previously certified EIR/MND/ND was prepared pursuant to Code of Regulations, Title 14, Section 15164 to reflect changes or additions in the project that do not cause substantial changes or new information that would require major revisions to the adopted 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 Code of Regulations, Title 14, Section 15164 (CEQA Guidelines).

- c) The Addendum attached as **Exhibit C** to the December 11, 2013, Staff Report to the Planning Commission 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 FEIR.
- 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 this property and identified the potential impacts. The subdivision of this parcel from 3 lots to 4 lots is consistent with the assumption of the EIR prepared for the Santa Lucia Preserve. A Biologic Study, Archaeological Study, Traffic Study, Geologic Study and Historic review were conducted 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.

7. **FINDING: DEVELOPMENT ON SLOPE** – There is no feasible alternative which would allow development to occur on slopes of less than 30%. 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 road to lot 1 is limited and allows preservation of 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 Planning Commission required conditions of approval and changes in the development to minimize grading for road improvements on steeper slopes. This resulted in the elimination of several homeland areas on lots 2 and 3, and the corresponding access roads.
  - 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.
  - f) 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.

8. **FINDING:** **SUBDIVISION** – Section 66474 of the California Government Code (Subdivision Map Act) and Title 19 (Subdivision Ordinance) of the Monterey County Code (MCC) requires that a request for subdivision be denied 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.

- 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 Safety. The proposed project as designed and conditioned will not, under the circumstances of the particular application, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or to the general welfare of the County (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 (see Finding No. 9).

- g) Sewage Disposal MCC Sections 19.03.015.K and 19.07.020 require that for individual septic systems that percolation testing be done to demonstrate the site can accommodate the septic system. (see Finding 3).
- 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.
- 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.

9. **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 4 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 is less than 10 acre feet per year.
  - c) The water source for the proposed new development is an existing agricultural well 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 right to 26 acre feet of water that has been recorded 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 4 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.

10. **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 said permit 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 8 trees. Four trees are approved for removal associated with the access drive to Lot 1 (across Lot 2), and four trees are approved for removal associated with the future development of the Homeland Boundary on Lot 1. No additional Tree Permit or Use Permit is needed provided that this number of trees to be removed is not exceeded.
  - c) The Forest Management Plan was supplemental reports were prepare 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 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.

11. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors and not the California Coastal Commission

- EVIDENCE:**
- a) Section 21.82.050 of the Monterey County Zoning Ordinance states that the proposed project is appealable to the Board of Supervisors.

### DECISION

**NOW, THEREFORE**, based on the above findings and evidence, the Planning Commission does hereby:

- 1) Certify that it has reviewed and considered the previously certified EIR and proposed Addendum for the Santa Lucia preserve.; and
- 2) Approve a Combined Development Permit consisting of: 1) a Minor Subdivision 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 a 100,000 gallon water storage tank and grading (approximately 45,000 cubic yards cut and 45,000 cubic yards fill).; and
- 3) Adopt a Mitigation Monitoring and Reporting Plan

**PASSED AND ADOPTED** this 30<sup>th</sup> day of October, 2013 upon motion of ~~xxxx~~, seconded by ~~xxxx~~, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Mike Novo, Secretary to the Planning Commission

COPY OF THIS DECISION MAILED TO APPLICANT ON ~~DATE~~

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE ~~DATE~~

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning Department and Building Services Department office in Salinas.

2. This permit expires ~~3 years~~ after the above date of granting thereof unless construction or use is started within this period.

Form Rev 01-31-2013



**Monterey County Planning Department**  
**DRAFT Condition of Approval Implementation Plan/Mitigation**  
**Monitoring Reporting Plan**

PLN060603

**1. PD001 - SPECIFIC USES ONLY**

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** This Combined Development permit (PLN060603) allows 1) a Minor Subdivision 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.

**2. PD002 - NOTICE PERMIT APPROVAL****Responsible Department:** Planning Department**Condition/Mitigation** The applicant shall record a Permit Approval Notice. This notice shall state:

**Monitoring Measure:** " Combined Development permit (PLN060603) allows 1) a Minor Subdivision 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 \_\_\_\_\_) was approved by [Name of Hearing Body] on [Date the permit was approved]. The permit was granted subject to \_\_\_\_ 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** Prior to the issuance of grading and building permits or commencement of use, the  
**Monitoring** Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning  
**Action to be Performed:** Department.

**3. PD004 - INDEMNIFICATION AGREEMENT****Responsible Department:** Planning Department

**Condition/Mitigation** The property owner agrees as a condition and in consideration of approval of this discretionary  
**Monitoring Measure:** 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** Upon demand of County Counsel or concurrent with the issuance of building permits, use of the  
**Monitoring** property, recording of the final/parcel map, whichever occurs first and as applicable, the  
**Action to be Performed:** 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 Indemnification Agreement, as outlined, shall be submitted to the RMA-Planning Department.

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

**Responsible Department:** Planning Department

**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:** Planning Department

**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, on an on-going basis, 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:** Planning Department

**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, on an on-going basis, 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:** Planning Department

**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 is possible, 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:** Planning Department

**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:** Planning Department

**Condition/Mitigation  
Monitoring Measure:** The Use Permit is approved to allow tree removal as follows:

Lot 1	Removal of 4 Trees
Lot 2, 3, 4	Removal of 0 Trees
Access Drive Across Lot 2	Removal of 4 Trees

Total Tree Removal: 8 Trees

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:** Planning Department

**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 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: Planning Department

**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: Planning Department

**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: Planning Department

**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. PDSP001 -- Openlands Conservation Easement**

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** In order to retain the Openlands in an undeveloped state in perpetuity, the subdivider shall grant conservation easements to the Santa Lucia Conservancy or other appropriate non-profit land trust organization for Openland areas. Said easements shall be recorded concurrently with filing of the Parcel Map. The form and content of the conservation easement shall be approved by County Counsel and accepted by the Board of Supervisors. The conservation easement shall include the following provisions:

- a) Restrictive covenants limiting uses in perpetuity to:
  - i) project infrastructure and uses described in the project application; and
  - ii) ranching activities and facilities as described in the Revised Rancho San Carlos Cattle Grazing and livestock Management Plan (April 1998);
  - iii) outdoor recreation and facilities; and
  - iv) research, educational and resource management and facilities; and
  - v) prohibiting further subdivision, residences commercial and industrial uses, viticulture, mineral exploration and golf, commercial harvesting or timber and the dumping or disposal of garbage and refuse;
- iv) The covenants may specify that the areas on lots 3 and 4 which were historically farmed may continue to be used for row crop farming or irrigated pasture; and
- b) Granting to the County of Monterey the non-exclusive right to enforce said restrictive use covenants; and
- c) Prohibiting any amendment of said restrictive use covenants without the prior written consent of the Board of Supervisors. (Planning)

**Compliance or Monitoring Action to be Performed:** Subdivider shall submit easement language with recipient of easement to the RMA-Planning Department for review and approval prior to recordation of the Parcel Map.

The Easement shall be recorded concurrently with the Parcel Map.

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

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** A conservation and scenic easement shall be conveyed to the County of Monterey or the Santa Lucia Conservancy, or other qualified tax-exempt nonprofit organization approved by the County over those portions of the property where slopes exceed 30%. 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. 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 property along with the metes and bound description developed in consultation with a certified professional, 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:** Planning Department

**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:** Planning Department

**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 staff prepared exhibit "Exhibit D". The roadway accessing Lots 1 and 2 will need to be shifted to accommodate the Homeland Boundary on Lot 3 which is designed to retain the existing residence. The homeland boundary and structures will need to provide setbacks as required in the RC Zoning District.

**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/FEEES**

**Responsible Department:** Planning Department

**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:** Public Works Department

**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:** Public Works Department

**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:** Public Works Department

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

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

**22. PW0020 - PRIVATE ROADS**

**Responsible Department:** Public Works Department

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

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

**23. PW0021 -ROAD NAMES**

**Responsible Department:** Public Works Department

**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  
Subdivider shall submit proposed road names to DPW. DPW will submit to County Communications for Approval.

**24. PW0022 -FIRE REQUIREMENTS FOR ROADS**

**Responsible Department:** Public Works Department

**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:** Public Works Department

**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:** Public Works Department

**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:** Public Works Department

**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:** Public Works Department

**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:** Public Works Department

**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:** Prior 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. FIRESPO1 - 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.

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.

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. FIRESPO2 - 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.

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.

**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.

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, 1/2-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.

Prior to issuance of building permit(s) for development on individual lots, the Applicant shall complete the installation of road signs and shall obtain fire department approval of the road sign installation at the final fire inspection of the common roadway improvements.

**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.

Prior to issuance of building permit(s) for development on individual lots, the Applicant shall complete the installation of multiple-address sign(s) at the common-road entrance at Rancho San Carlos Road and shall obtain fire department approval of the multiple-address road sign as part of the common roadway improvements.

**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:** Planning Department

**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 2 of the lots can have accessory dwelling units."

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



<b>Meeting:</b> October 30, 2013 Time: 10:15 A.M.		<b>Agenda Item No.:</b> 5
<b>Project Description:</b> Consider Combined Development Permit consisting of: 1) a Minor Subdivision 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 20 protected Coastal live oak 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 a 100,000 gallon water storage tank and grading (approximately 45,000 cubic yards cut and 45,000 cubic yards fill).		
<b>Project Location:</b> 27050, 27070 and 27080 Rancho San Carlos Road, Carmel		<b>APN:</b> 157-181-006-000, 157-181-007-000-000, 157-181-008-000
<b>Planning File Number:</b> PLN060603		<b>Owner:</b> Heritage Development/Jeff Taylor <b>Agent:</b> Joel Panzer
<b>Planning Area:</b> Carmel Valley Master plan		<b>Flagged and staked:</b> No
<b>Zoning Designation:</b> RC/10-D-S-RAZ (Resource Conservation, 10 acres per unit with Design Control, Site Plan Review and Residential Allocation Zoning Overlays]		
<b>CEQA Action:</b> Addendum to EIR certified February 1996.		
<b>Department:</b> RMA - Planning Department		

**RECOMMENDATION:**

Staff recommends that the Planning Commission adopt a resolution (**Exhibit C**) to:

- 1) Consider the previously certified EIR (**Exhibit K**) and proposed Addendum for the Santa Lucia preserve; and
- 2) Approve PLN060603, based on the findings and evidence and subject to the conditions of approval (**Exhibit C**); and

**PROJECT OVERVIEW:**

The applicant requests approval of a Minor Subdivision to subdivide 3 existing lots into 4 lots resulting in a net increase of 1 lot. The site is approximately 103 acres and is located along the south side of the Carmel River, west of Rancho San Carlos Road. The site is within the Santa Lucia Preserve for which an EIR was certified. An Addendum to the Santa Lucia Preserve FEIR has been prepared for this project. The installation of access roads will result in some minor tree removal and grading on slopes in excess of 30%. Originally the application was to create 10 lots, but the applicant has scaled the request back to 4 lots. The amount of grading and tree removal needed for the 4 lot configuration is expected to be much less than that for the 10 lot configuration. The current request is consistent with the Santa Lucia Preserve Comprehensive Development Plan. The one concern associated with the current proposal is the number and size of the proposed Homeland areas. Staff recommends a condition to limit the Homeland areas. For a more detailed discussion, please see **Exhibit B**.

**OTHER AGENCY INVOLVEMENT:** The following agencies and departments reviewed this project:

- ✓ RMA - Public Works Department
- ✓ Environmental Health Bureau
- ✓ Water Resources Agency
- ✓ Monterey County Regional Fire Protection District
- Parks Department
- RMA - Building Department

Agencies that submitted comments are noted with a check mark ("✓"). Conditions recommended by RMA – Planning Department, RMA – Public Works Department, Environmental Health Bureau, Water Resources Agency and Monterey County Regional Fire Protection District have been incorporated into the Condition Compliance/Mitigation Monitoring and Reporting Plan attached to the draft resolution (Exhibit C).

The project was not referred to any advisory committee because projects in the Santa Lucia Preserve are not sent to the Carmel Valley LUAC.

Note: The decision on this project is appealable to the Board of Supervisors.

/s/ John H. Ford

John Ford, Senior Planner

(831) 755-5158, fordjh@co.monterey.ca.us

October 24, 2013

cc: Front Counter Copy; Planning Commission; Monterey County Regional Fire Protection District; RMA-Public Works Department; Parks Department; Environmental Health Bureau; Water Resources Agency; Wanda Hickman, Planning Services Manager; John Ford, Senior Planner; Heritage Development/Jeff Taylor, Owner; Joel Panzer, Agent; The Open Monterey Project; Land Watch; Planning File PLN060603

Attachments: Exhibit A Project Data Sheet  
 Exhibit B Project Discussion  
 Exhibit C Draft Resolution, including:  
     • Conditions of Approval  
     • Tentative Map  
 Exhibit D Vicinity Map  
 Exhibit E Addendum to Santa Lucia Preserve FEIR

Attachments on CD

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

This report was reviewed by Wanda Hickman, Planning Services Manager.

**Project Information for PLN060603**

Application Name: Heritage Development Lp Et Al  
Location: 27070 Rancho San Carlos Rd, Carmel  
Applicable Plan: Carmel Valley Master Plan  
Advisory Committee: Carmel Valley Advisory Committee  
Permit Type: Combined Development Permit  
Environmental Status: Addendum  
Zoning: RC/10-D-S-RAZ|RC-D(CZ)|WSC/40-D(CZ)  
Primary APN: 157-181-006-000  
Coastal Zone: Yes  
Final Action Deadline (884): 12/9/2008  
Land Use Designation: Watershed & Scenic Conservation

**Project Site Data:**

Lot Size: 103  
Existing Structures (sf): 2000  
Proposed Structures (sf): 0  
Total Sq. Ft.: 0  
Coverage Allowed: 25%  
Coverage Proposed: 0  
Height Allowed: 35'  
Height Proposed: 0  
FAR Allowed: N/A  
FAR Proposed: 0  
Special Setbacks on Parcel:

**Resource Zones and Reports:**

Seismic Hazard Zone: IV|||UNDETERMINED  
Erosion Hazard Zone: High|Moderate|Low  
Fire Hazard Zone: Very High  
Flood Hazard Zone: AE|X (unshaded)  
Archaeological Sensitivity: high  
Visual Sensitivity: Highly Sensitive  
Soils Report #: LIB080087  
Biological Report #: LIB080512  
Forest Management Rpt. #: LIB120101  
Geologic Report #: 14.10.66  
Archaeological Report #: LIB080101  
Traffic Report #: N/A

**Other Information:**

Water Source: PRIVATE MUTUAL  
Water Purveyor:  
Fire District: Monterey County Regional FPD  
Tree Removal: N/A  
Grading (cubic yds.): 45000  
Sewage Disposal (method): CARMEL AREA WASTE M  
Sewer District Name: n/a

**EXHIBIT B  
DISCUSSION**

Exhibit B  
Page 34 of 73 Pages

Background

This project was initially submitted as a 10 lot subdivision. The request for the 100,000 gallon water tank removal of 20 trees and grading of 45,000 cubic yards reflect the request for 10 lots and not the subject project presented to you for 4 lots. The reduction in the number of lots removes the need for a 100,000 gallon water tank. Water tanks to provide the necessary water for firefighting purposes will be installed on each lot as part of future development. This is reflected in the conditions recommended by the Fire Protection District. It is likely that each lot will be required to have 10,000 gallons of storage on site. This will be reviewed as part of the Administrative Permit and Design Review for development of each lot. The reduction in the number of lots has also reduced the road network, which has a corresponding reduction in tree impacts and grading. The project description in the recommended resolution for the project and in the conditions of approval has been modified to remove references to the 100,000 gallon water tank and 45,000 cubic yards of grading.

Project Description

The proposed project would create a total of four lots from three existing lots resulting in 1 additional lot. All of the proposed parcels are a minimum of 10 acres in area consistent with the Resource Conservation 10 acre minimum zoning and land use on the property. Proposed lots 1 and 2 are a reconfiguration of existing lots. The steeper hillsides within these two lots will be added to proposed lot 3. Lots 3 and 4 are essentially a subdivision of the third existing lot on the site. Proposed Lot 4 is in a level area devoid of slopes or native vegetation; it is currently used as irrigated pasture land and has historically been used for row crop cultivation. Proposed lot 3 is the largest parcel at 60.8 acres. It has a diverse landscape consisting of flat irrigated pasture once used for row crop cultivation, and steep hillsides with oak woodland and mixed woodland forest.

The proposed minor subdivision is on the South side of the Carmel River, west of Ranch San Carlos Road. Access is provided by a small private road. Currently the site has many farm roads crossing the site and through the forest on the hillsides. The applicant's proposal is to follow the alignment of these existing farm roads. These roads will be improved and widened which will result in grading on slopes over 30% and some tree removal.

The 103.2 acre property has approximately 30 acres of flat level ground and some land in the floodplain for the Carmel River. The remainder of the property consists of moderate to steep slopes. The level portion of the site has been in agricultural production since the 1800's.

The subject site is within the boundary of the Santa Lucia Preserve. The Santa Lucia Preserve was allocated a total of 350 units. The unit count included 297 market rate units and 53 inclusionary or affordable units. Currently there are 296 market rate units (including the 3 existing lots on the subject site.) The creation of one additional lot on the subject site will finish all the market rate units within the Santa Lucia Preserve. This unit counts against the units allocated in the Santa Lucia Preserve but does not count against the unit allocation within the Carmel Valley Master Plan.

The Santa Lucia Preserve was approved subject to the design criteria contained in a "Comprehensive Development Plan." The primary objective of the Comprehensive Development Plan is to protect the natural resources contained on the property. This is primarily accomplished by creating "Homelands" and "Openlands" on each lot. Development is to be contained within the Homeland Boundaries, and the Openlands are to be retained in a natural state. The Openlands are covered by a conservation easement and are managed by either the Santa Lucia Conservancy or another capable non-profit organization. The Homeland boundaries should be designed and located to preserve natural resources to the greatest extent possible.

### Project Analysis

#### Subdivision.

1. Access. The subject site is accessed by a private road following an easement that takes access off of Rancho San Carlos Road. The existing access road/easement is paved to the subject site. The applicant's proposal is to provide an all weather road capable of supporting the imposed load of a fire truck, but this does not necessarily involve asphalt pavement. The road will be 20 feet wide from the property boundary to the "T" which provides access to lots 1 and 2. All other access roads and driveways will be 12 feet wide. As noted above the roads and driveways follow existing farm roads which minimize the amount of grading necessary and the impact on biological resources. The road across lot 2, providing access to lot 1 crosses 30% slopes and requires the removal of several trees.
2. Lot configuration. Each of the proposed lots complies with the minimum 10 acre size of the land use and zoning designations. The parcels are laid out in an orderly and logical manner for development of the site with 4 residences. Each of the lots provides suitable building sites free from significant trees and on slopes less than 30%.
3. Homeland Boundaries. The applicant has designated proposed homeland boundaries on the Tentative Map with the objective of providing as much flexibility as possible for future property owners. The proposed homeland areas are generally free from trees and have slopes less than 30%, so to that extent they are appropriate. Each lot maximizes the amount of area available for development and provides more than one homeland on three of the lots and lot 4 is a homeland in its entirety. This approach must be balanced with the intent of the Comprehensive Development Plan to "*avoid to the maximum extent feasible the unique and scenic natural resources described*" within the Comprehensive Development Plan. Staff submits for consideration that the Homelands should not be designed for maximum flexibility, but should locate development on the property in a manner that minimizes grading, visibility of development, protects natural resources and protects wildlife corridors on the property. In addition, multiple Homelands on a site could result in construction on each of the different Homeland areas resulting connectivity across the Openlands which is inconsistent with the purposes of the Openlands. The following discussion evaluates and provides a recommendation for each lots:
  - a. Lot 1. Two different Homeland areas are shown. The southern and higher homeland boundary is seen on the map as the location of the text "Lot 1, 11.9 ac." This location is higher in elevation but is less than 30% slope and devoid of any significant vegetation. It has views of Carmel Valley, but would not be highly visible and would not be ridgeline development. The lower Homeland Boundary area has more trees, is closer to the Carmel River and the bike path that runs along the northern property

line. This lower area is more level, and would overall require less grading. Its primary drawback would be that it is closer to the Carmel River and bike trail and could involve tree removal. Either of these homeland boundaries would be appropriate, but not both of them. A condition has been added to only show one Homeland Boundary on the parcel map when recorded.

- b. Lot 2. Lot is layed out similar to Lot 1. The proposed homeland boundary higher in elevation "Lot 2, 20.1 ac" is an open fairly level area that is devoid of significant vegetation. It is surrounded by trees and fairly steep topography. The existing ranch road proposed to access the Homeland Boundary crosses fairly steep terrain through an oak woodland. The one drawback to this location as a homeland boundary is the access will require more grading and tree removal than the proposed homeland boundary shown closer to the Carmel River. The Zoning Ordinance requirements for tree removal and grading on slopes 30% are very clear that tree removal and grading on 30% slopes be approved where no suitable alternatives exist. The proposed Homeland Boundary closer to the Carmel River is fairly level, does have scattered trees, but is much more easily accessed. The Homeland Boundary shown closer to the Carmel River has land within the 100-year floodplain boundary and northern property line providing separation between this Homeland and the Carmel River bike trail. The Homeland higher on the hillside would be appropriate if there were not a clearly superior alternative. Staff would recommend that the upper homeland boundary be eliminated prior to recordation of the parcel map.
- c. Lot 3. Lot 3 proposes three different homeland boundaries, one large extended homeland boundary and two other smaller homeland boundaries located up higher on the hillside. Again all of the Homeland Boundaries are in locations with slopes under 30% and devoid of significant vegetation. The two smaller homeland boundaries should be eliminated as they are more difficult to access unnecessarily and break up the natural environment. The larger proposed homeland boundary includes what is now a large pasture area that is very level. It was once the location of row crop farming. This proposed homeland boundary extends up a draw. This areas has been significantly disturbed and is an appropriate location for a homeland boundary. The one constraint to this area is that there is a natural spring located up the draw which draws water into a small channel in the middle of this area. The most appropriate place on the lot for a homeland boundary is in the pasture area. It is flat, easily accessed, and devoid of native vegetation. Staff would recommend that the homeland boundary be reduced in size to not larger than 2.5 acres and be located and the level portion of the site. The open land area can be used for grazing but not farming. In order to allow a continuation of the farming use homeland boundary would need to be extended to include the entire level area.
- d. Lot 4. This lot is completely flat, was once the location of row crops but is now used for irrigated pasture. The homeland boundaries proposed to cover the entire lot. Under the circumstances this is not an issue that is a violation of ordinance or policy requirements 30% slopes and tree removal) but is an issue of consistency with the comprehensive development plan which seeks to limit the development and footprint on the project site. But should be limited in size to create the appropriate proportion between homeland boundary and open space. The homeland boundary should be limited in area to create the appropriate portion between homeland boundary and open space. The homeland boundary should be limited in area to 2 acres.



Prior to recordation of the parcel map the locations of the homeland boundaries should be staked in the field and reviewed by staff to insure that the maximized resource protection objectives are accurately achieved on the recorded map.

#### **Tree Removal.**

The proposal to remove 20 trees was based upon the original 10 lot map. The reduction in lots, and the changes to the homeland boundaries identified above should result in a significant reduction in tree removal. In this proposal as described above, the only need for tree removal would be the installation of the access road to Lot 1 across Lot 2. Staff recommends a condition that requires the staking of the road and easement be reviewed by Planning staff in the field prior to recordation of the parcel map to insure that the least number of trees are affected. The tree removal associated with the creation of the lots will be mitigated as part of the subdivision improvements. Each lot will be responsible for mitigating any tree removal associated development on these lots. There is sufficient room on site to accomplish tree replacement in a manner consistent with the Santa Lucia Preserve. The homeland boundaries as recommended in the discussion above should result in minimal tree removal.

#### **Development on Slopes Exceeding 30%.**

The 2010 Monterey County General Plan sets the threshold for slopes at 25%, but the Comprehensive Development Plan for the Santa Lucia Preserve was approved for slopes up to 30% since the Comprehensive Development Plan is an approved entitlement it dictates the standard. The review of this project for consistency with the General Plan, Zoning Ordinance and Comprehensive Development Plan evaluate slopes exceeding 30%.

The Zoning Ordinance states: *In order to approve development on slopes of thirty (30) percent or more, the Appropriate Authority must find, in addition to other necessary findings. Based on substantial evidence, that:*

- a. *There is no feasible alternative which would allow development to occur on slopes of less than thirty (30) percent; or*
- b. *That the proposed development better achieves the goals, policies and objectives of the Monterey County General Plan and applicable area plan than other development alternatives.*

As discussed above there are buildable areas on site which support development on slopes less than 30%. Overall the applicant has effectively identified these and seeks to locate the building envelopes in these locations. It is the access to several of the Homeland Boundaries on lots 2 and 3 that pose a concern from a slope standpoint. Accessing these Homeland Boundaries requires expanding the width of existing farm roads on slopes in excess of 30%. There are alternative homeland locations on the proposed lots which would allow development without grading on slopes over 30%. The Zoning Ordinance does not preclude grading 30% slopes; it requires that alternative designs and locations be given preference. The conditions discussed above under Homeland Boundaries seek to accomplish this.

The one appropriate exception to this is the road providing access to Lot 1. This will cross 30^ slopes, but it will do so in a manner to protect the trees allowing grading on slopes over 30% in order to better protect trees is consistent with Zoning Ordinance provisions.

Environmental Review

Exhibit B  
Page 38 of 73 pages

Long Term Sustainable Water Supply

The applicant has provided an analysis that demonstrates the property retains a Riparian Water Right for the three parcels. The Riparian Right is for 26 acre feet per year which is more than sufficient for the development of 4 parcels. The Riparian Rights would not be affected by the Subdivision. The Riparian Right has been affirmed by the Monterey Peninsula Water Management District (MPWMD)

The subject site was included in the analysis of the EIR prepared for the Santa Lucia Preserve. Additional studies have been conducted finding that there are no circumstances which have changed or new information which would result in the need to prepare a Subsequent EIR and so an Addendum has been prepared. (Exhibit E)

Recommendation

Staff recommends that the Planning Commission find that the existing EIR adequately addresses the environmental impacts associated with the subject site, adopt the Addendum and approve the project.

**EXHIBIT C**  
**DRAFT RESOLUTION**

Exhibit B  
Page 39 of 73 Pages

**Before the Planning Commission in and for the  
County of Monterey, State of California**

In the matter of the application of:

**Heritage Development/Jeff Taylor (PLN060603)**

**RESOLUTION NO. ---**

Resolution by the Monterey County Hearing Body:

- 1) Adopting the Addendum and Finding the project Consistent with a previously certified EIR.; and
- 2) Approving a Combined Development Permit consisting of: 1) a Minor Subdivision 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 20 protected Coastal live oak 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 road improvements.

[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 Heritage Development application (PLN060603) came on for public hearing before the Monterey County Planning Commission on October 30, 2013. 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 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 20 protected Coastal live oak 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 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:** **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 in Carmel Valley 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 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.
- e) 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
- f) 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:** **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.

#### 4. 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 public will be provided as part of this development. Each lot will be required to provide a water storage tank for firefighting purposes when the lot develops, underground utilities will be installed, the site has a quality well and sufficient water availability to serve the site and a small water system will be formed.

- 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.

5. **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.

6. **FINDING:** **CEQA (Addendum):** - An Addendum to a previously certified EIR/MND/ND was prepared pursuant to Code of Regulations, Title 14, Section 15164 to reflect changes or additions in the project that do not cause substantial changes or new information that would require major revisions to the adopted 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 Code of Regulations, Title 14, Section 15164 (CEQA Guidelines).
  - c) The Addendum attached as **Exhibit E** to the October 30, 2013, Staff Report to the Planning Commission 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) 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 this property and identified the potential impacts. The subdivision of this parcel from 3 lots to 4 lots is consistent with the assumption of the EIR prepared for the Santa Lucia Preserve. A Biologic Study, Archaeological Study, Traffic Study, Geologic Study and Historic

review were conducted and did not find any new information which would result in the need to prepare additional environmental analysis.

- f) 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.

7. **FINDING:** **DEVELOPMENT ON SLOPE** – There is no feasible alternative which would allow development to occur on slopes of less than 30%. 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 road to lot 1 is limited and allows preservation of 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 Planning Commission required conditions of approval and changes in the development to minimize grading for road improvements on steeper slopes. This resulted in the elimination of several homeland areas on lots 2 and 3, and the corresponding access roads.
  - 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.
  - f) 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.

8. **FINDING:** **SUBDIVISION** – Section 66474 of the California Government Code (Subdivision Map Act) and Title 19 (Subdivision Ordinance) of the Monterey County Code (MCC) requires that a request for subdivision be denied 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.

- 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 Safety. The proposed project as designed and conditioned will not, under the circumstances of the particular application, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or to the general welfare of the County (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 (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. (see Finding 3).
  - 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.
  - 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.

9. **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 4 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 is less than 10 acre feet per year.
  - c) The water source for the proposed new development is an existing agricultural well 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 right to 26 acre feet of water that has been recorded 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 4 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.

10. **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 said permit has been met.
  - b) The application is for the removal of 20 trees, however a reduction in the project as resulted in the probability that fewer trees will be removed. The actual number of trees removed will be determined with approval of improvement plans. No trees are approved for removal associated with the Homeland areas.
  - c) The Forest Management Plan was supplemental reports were prepare 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 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.

11. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors and not the California Coastal Commission
- EVIDENCE:** a) Section 21.82.050 of the Monterey County Zoning Ordinance states that the proposed project is appealable to the Board of Supervisors.

### DECISION

NOW, THEREFORE, based on the above findings and evidence, the Planning Commission does hereby:

- 1) Adopt the Addendum and Find the project Consistent with a previously certified EIR; and
- 2) Approve a Combined Development Permit consisting of: 1) a Minor Subdivision 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 20 protected Coastal live oak 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 road improvements.

**PASSED AND ADOPTED** this 30<sup>th</sup> day of October, 2013 upon motion of ~~XXXX~~ seconded by ~~XXXX~~ by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

Mike Novo, Secretary to the Planning Commission

COPY OF THIS DECISION MAILED TO APPLICANT ON DATE

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE DATE

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

#### NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning Department and Building Services Department office in Salinas.

2. This permit expires 3 years after the above date of granting thereof unless construction or use is started within this period.

Board Resolution 01-31-2013

**Monterey County Planning Department**  
**DRAFT Condition of Approval Implementation Plan/Mitigation**  
**Monitoring Reporting Plan**

PLN060603

**1. PD001 - SPECIFIC USES ONLY**

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** This Combined Development permit (PLN060603) allows 1) a Minor Subdivision 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 20 protected Coastal live oak 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.

## 2. PD002 - NOTICE PERMIT APPROVAL

**Responsible Department:** Planning Department

**Condition/Mitigation** The applicant shall record a Permit Approval Notice. This notice shall state:

**Monitoring Measure:** " Combined Development permit (PLN060603) allows 1) a Minor Subdivision 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 20 protected Coastal live oak 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 \_\_\_\_\_) was approved by [Name of Hearing Body] on [Date the permit was approved]. The permit was granted subject to \_\_\_\_\_ 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** Prior to the issuance of grading and building permits or commencement of use, the  
**Action to be Performed:** Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning Department.

## 3. PD004 - INDEMNIFICATION AGREEMENT

**Responsible Department:** Planning Department

**Condition/Mitigation** The property owner agrees as a condition and in consideration of approval of this discretionary  
**Monitoring Measure:** 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** Upon demand of County Counsel or concurrent with the issuance of building permits, use of the  
**Action to be Performed:** property, recording of the final/parcel map, whichever occurs first and as applicable, 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 Indemnification Agreement, as outlined, shall be submitted to the RMA-Planning Department.

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

**Responsible Department:** Planning Department

**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. PD005 - FISH & GAME FEE NEG DEC/EIR**

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** Pursuant to the State Public Resources Code Section 753.5, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee, to be collected by the County, within five (5) working days of project approval. This fee shall be paid before the Notice of Determination is filed. If the fee is not paid within five (5) working days, the project shall not be operative, vested or final until the filing fees are paid.  
(RMA - Planning Department)

**Compliance or Monitoring Action to be Performed:** Within five (5) working days of project approval, the Owner/Applicant shall submit a check, payable to the County of Monterey, to the Director of the RMA - Planning Department.

If the fee is not paid within five (5) working days, the applicant shall submit a check, payable to the County of Monterey, to the Director of the RMA - Planning Department prior to the recordation of the final/parcel map, the start of use, or the issuance of building permits or grading permits.

**6. PD007- GRADING WINTER RESTRICTION**

**Responsible Department:** Planning Department

**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, on an on-going basis, shall obtain authorization from the Director of RMA - Building Services Department to conduct land clearing or grading between October 15 and April 15.

**7. PD010 - EROSION CONTROL PLAN**

**Responsible Department:** Planning Department

**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, on an on-going basis, 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.

**8. PD011 - TREE AND ROOT PROTECTION**

**Responsible Department:** Planning Department

**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 is possible, 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.

9. PD015 - NOTE ON MAP-STUDIES

Responsible Department: Planning Department

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.

10. PD011(A) - TREE REMOVAL

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: 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.



#### 11. PD048 - TREE REPLACEMENT/RELOCATION

**Responsible Department:** Planning Department

**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 20 trees are approved for removal associated with the subdivision. All trees which must be removed shall be replaced as follows::

- 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.

#### 12. PD049 - TREE AND ROOT PROTECTION

**Responsible Department:** Planning Department

**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.

**13. PD050 - RAPTOR/MIGRATORY BIRD NESTING**

**Responsible Department:** Planning Department

**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.

**14. PD052 - PRE-CONSTRUCTION MEETING**

**Responsible Department:** Planning Department

**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).

15. PDSP001 - Openlands Conservation Easement

Responsible Department: Planning Department

**Condition/Mitigation Monitoring Measure:** In order to retain the Openlands in an undeveloped state in perpetuity, the subdivider shall grant conservation easements to the Santa Lucia Conservancy or other appropriate non-profit land trust organization for Openland areas. Said easements shall be recorded concurrently with filing of the Parcel Map. The form and content of the conservation easement shall be approved by County Counsel and accepted by the Board of Supervisors. The conservation easement shall include the following provisions:

- a) Restrictive covenants limiting uses in perpetuity to:
  - i) project infrastructure and uses described in the project application; and
  - ii) ranching activities and facilities as described in the Revised Rancho San Carlos Cattle Grazing and livestock Management Plan (April 1998);
  - iii) outdoor recreation and facilities; and
  - iv) research, educational and resource management and facilities; and
  - v) prohibiting further subdivision, residences commercial and industrial uses, viticulture, mineral exploration and golf, commercial harvesting or timber and the dumping or disposal of garbage and refuse; and
- b) Granting to the County of Monterey the non-exclusive right to enforce said restrictive use covenants; and
- c) Prohibiting any amendment of said restrictive use covenants without the prior written consent of the Board of Supervisors. (Planning)

**Compliance or Monitoring Action to be Performed:** Subdivider shall submit easement language with recipient of easement to the RMA-Planning Department for review and approval prior to recordation of the Parcel Map.

The Easement shall be recorded concurrently with the Parcel Map.

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

Responsible Department: Planning Department

**Condition/Mitigation Monitoring Measure:** A conservation and scenic easement shall be conveyed to the County of Monterey or the Santa Lucia Conservancy, or other qualified tax-exempt nonprofit organization approved by the County over those portions of the property where slopes exceed 30%. 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. 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 property along with the metes and bound description developed in consultation with a certified professional, 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.

17. PD036 - UTILITIES-SUBDIVISION

Responsible Department: Planning Department

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." 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.

18. PDSP-002 Homeland Boundary Locations

Responsible Department: Planning Department

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 modified as follows:

Lot 1: Either of the Homelands shown are acceptable, but only one is approved, the other needs to be deleted.

Lot 2: The Homeland higher on the hillside is not approved and needs to be removed from the Parcel Map.

Lot 3: A Homeland area not to exceed 2.5 acres is approved in the flat area of the site.

Lot 4: A Homeland area of not more than 2 acres is approved.

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.

19. PKS002 -RECREATION REQUIREMENTS/FEEs

Responsible Department: Planning Department

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 3 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.

**20. PW0015-UTILITY'S COMMENTS**

Responsible Department: Public Works Department

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

**21. PW0016 - MAINTENANCE OF SUBDIVISIONS**

Responsible Department: Public Works Department

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.

**22. PW0017 - NATURAL DRAINAGE EASEMENT**

Responsible Department: Public Works Department

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

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

**23. PW0020 - PRIVATE ROADS**

Responsible Department: Public Works Department

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

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

**24. PW0021 -ROAD NAMES**

Responsible Department: Public Works Department

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  
Subdivider shall submit proposed road names to DPW. DPW will submit to County Communications for Approval.

25. PW0022 -FIRE REQUIREMENTS FOR ROADS

Responsible Department: Public Works Department

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.

26. PW0023 -IMPROVEMENT PLANS

Responsible Department: Public Works Department

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.

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

Responsible Department: Public Works Department

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

28. PW0030 -HOMEOWNERS ASSOCIATION

Responsible Department: Public Works Department

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.

29. PW0032 -AS BUILT PLANS

Responsible Department: Public Works Department

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.

30. PWSP002 NON-STANDARD-CONSTRUCTION MANAGEMENT PLAN

Responsible Department: Public Works Department

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

31. 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

32. 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: Prior to recording Final Map

### 33. 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.)

### 34. 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.

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.

### 35. 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.

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.



**36. FIRESPO2 - 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.

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.

**37. 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.

### 38. 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 roadway improvement plans.

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.

### 39. 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, 1/2-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.

Prior to issuance of building permit(s) for development on individual lots, the Applicant shall complete the installation of road signs and shall obtain fire department approval of the road sign installation at the final fire inspection of the common roadway improvements.

**40. FIRES04 - 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 roadway improvement plans.

Prior to issuance of building permit(s) for development on individual lots, the Applicant shall complete the installation of multiple-address sign(s) at the common-road entrance at Rancho San Carlos Road and shall obtain fire department approval of the multiple-address road sign as part of the common roadway improvements.

**42. FIRES05 - NON-STANDARD CONDITION - EMERGENCY WATER STANDARDS - FIRE PROTECTION WATER SUPPLY (SI)**

**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.

**43. 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.

**44. 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.

**45. 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.

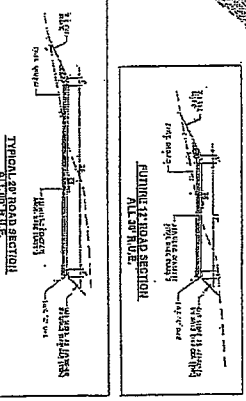
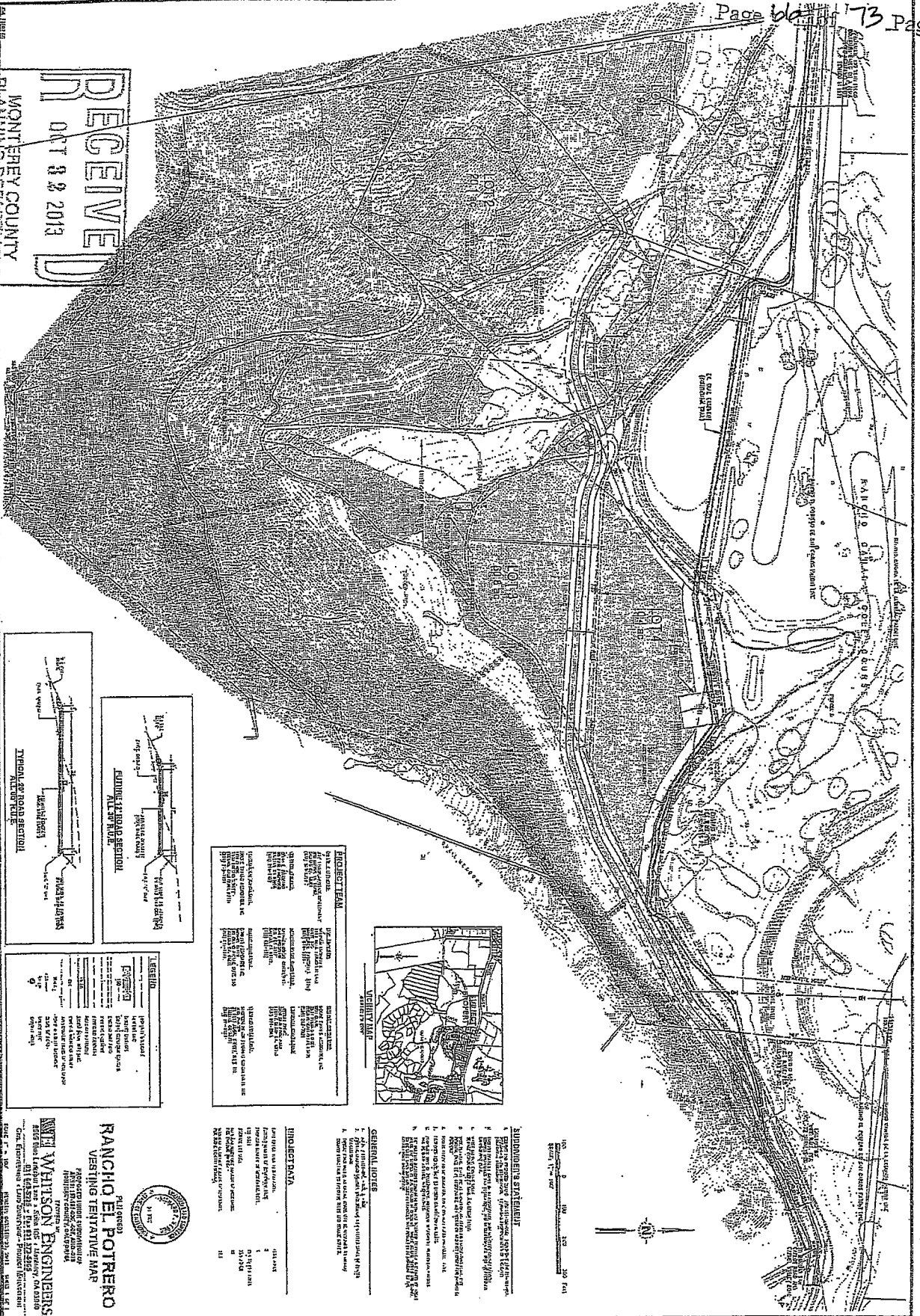
46. FIRE019 - DEFENSIBLE SPACE REQUIREMENTS - (STANDARD)

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.

RECEIVED  
OCT 30 2013  
MONTEREY COUNTY  
PLANNING DEPARTMENT



PROJECT TEAM	
<p><b>Project Manager</b>  <b>John H. Hines</b>          Director of Engineering          and Construction          Division          U.S. Army Corps of Engineers          3100 Rte. 1          Fort Belvoir, Ill. 62205</p> <p><b>Project Engineer</b>  <b>John A. Hines</b>          Project Engineer          U.S. Army Corps of Engineers          3100 Rte. 1          Fort Belvoir, Ill. 62205</p> <p><b>Technical Support</b>  <b>William J. Hines</b>          Technical Support          U.S. Army Corps of Engineers          3100 Rte. 1          Fort Belvoir, Ill. 62205</p> <p><b>Construction Support</b>  <b>William J. Hines</b>          Construction Support          U.S. Army Corps of Engineers          3100 Rte. 1          Fort Belvoir, Ill. 62205</p> <p><b>Construction Support</b>  <b>William J. Hines</b>          Construction Support          U.S. Army Corps of Engineers          3100 Rte. 1          Fort Belvoir, Ill. 62205</p>	<p><b>Project Manager</b>  <b>John H. Hines</b>          Director of Engineering          and Construction          Division          U.S. Army Corps of Engineers          3100 Rte. 1          Fort Belvoir, Ill. 62205</p> <p><b>Project Engineer</b>  <b>John A. Hines</b>          Project Engineer          U.S. Army Corps of Engineers          3100 Rte. 1          Fort Belvoir, Ill. 62205</p> <p><b>Technical Support</b>  <b>William J. Hines</b>          Technical Support          U.S. Army Corps of Engineers          3100 Rte. 1          Fort Belvoir, Ill. 62205</p> <p><b>Construction Support</b>  <b>William J. Hines</b>          Construction Support          U.S. Army Corps of Engineers          3100 Rte. 1          Fort Belvoir, Ill. 62205</p> <p><b>Construction Support</b>  <b>William J. Hines</b>          Construction Support          U.S. Army Corps of Engineers          3100 Rte. 1          Fort Belvoir, Ill. 62205</p>

1. **GENERAL PRINCIPLES OF THE CONSTITUTION**
2. **THE CONSTITUTION OF INDIA**
3. **THE CONSTITUTION OF THE UNITED STATES OF AMERICA**
4. **THE CONSTITUTION OF THE UNITED KINGDOM OF GREAT BRITAIN**
5. **THE CONSTITUTION OF THE REPUBLIC OF FRANCE**
6. **THE CONSTITUTION OF THE FEDERAL REPUBLIC OF GERMANY**
7. **THE CONSTITUTION OF THE JAPANESE EMPIRE**
8. **THE CONSTITUTION OF THE REPUBLIC OF ITALY**
9. **THE CONSTITUTION OF THE REPUBLIC OF SWITZERLAND**
10. **THE CONSTITUTION OF THE REPUBLIC OF AUSTRIA**
11. **THE CONSTITUTION OF THE REPUBLIC OF DENMARK**
12. **THE CONSTITUTION OF THE REPUBLIC OF NORWAY**
13. **THE CONSTITUTION OF THE REPUBLIC OF SWEDEN**
14. **THE CONSTITUTION OF THE REPUBLIC OF FINLAND**
15. **THE CONSTITUTION OF THE REPUBLIC OF ICELAND**
16. **THE CONSTITUTION OF THE REPUBLIC OF IRELAND**
17. **THE CONSTITUTION OF THE REPUBLIC OF GREECE**
18. **THE CONSTITUTION OF THE REPUBLIC OF PORTUGAL**
19. **THE CONSTITUTION OF THE REPUBLIC OF SPAIN**
20. **THE CONSTITUTION OF THE REPUBLIC OF BELGIUM**
21. **THE CONSTITUTION OF THE REPUBLIC OF LUXEMBOURG**
22. **THE CONSTITUTION OF THE REPUBLIC OF THE NETHERLANDS**
23. **THE CONSTITUTION OF THE REPUBLIC OF THE NETHERLANDS**
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29. **THE CONSTITUTION OF THE REPUBLIC OF THE NETHERLANDS**
30. **THE CONSTITUTION OF THE REPUBLIC OF THE NETHERLANDS**

Jacks Peak Regional Park

# CARMEL VALLEY



APPLICANT: HERITAGE DEVELOPMENT LP

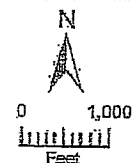
APN: 157-181-006, 007, 008

FILE # PLN060603

300' Limit

2500' Limit

City Limits



PLANNER: BRADLEY

EXHIBIT D

**Addendum To Final Environmental Impact Report (#94-005)  
(SCH94083019, SCH95023036) Pursuant to  
the California Environmental Quality Act  
Article 11, Section 15164**

***Heritage Development  
Planning File No. PLN060603  
Combined Development Permit--Minor Subdivision***

1. Introduction

This technical addendum has been prepared pursuant to Article 11, Section 15164 of the California Environmental Quality Act guidelines to make minor technical changes to the project analyzed in the EIR prepared for the Santa Lucia Project which included approval of a Comprehensive Development Plan allowing development of up to 350 units (297 market rate and 53 affordable), certified *February 6, 1996*, by the Board of Supervisors Resolution No. 96-059. None of the conditions described in Section 15162 calling for preparation of a subsequent EIR or negative declaration have occurred.

2. Scope and Purpose of this Addendum

This Addendum describes whether any changes or additions are necessary to the FEIR as a result of the proposed project to subdivide 3 lots into 4 lots. The 3 existing lots are included in the existing unit count for the Santa Lucia Preserve within the Carmel Valley Master Plan area. The proposed project would result in creation of permanent roads on slopes in excess of 30% and the removal of native trees. The EIR certified for development of the Santa Lucia Preserve evaluated the impacts associated with development of 350 units within the boundaries of the Santa Lucia Preserve. The Comprehensive Development Plan (CDP) and FEIR contemplated that 62 of these units would be constructed within the Carmel Valley Master Plan area. Currently 56 units (including the 3 existing lots) have been allocated (or approved for construction) as part of Santa Lucia Development within the CVMP area.

The project objective of the Santa Lucia preserve was to establish a permanent preserve for native plant and wildlife habitat while pursuing limited development of the least environmentally sensitive land. Approximately 18,000 acres of the 20,000 acre site was set aside as preserve lands and is a managed wildlife preserve. The remaining 2,000 acres were designated for development. The residential areas designated for development were identified as "Homeland Boundaries" which established the limits of development within the residential lots proposed as part of the preserve development.



Addendum To Final Environmental Impact Report (#94-005)

The EIR for the Santa Lucia Preserve did not specifically mention the subdivision of this property, but it did contemplate the creation of units within the area covered by the Carmel Valley Master Plan. Furthermore the maps within the Comprehensive Development Plan show the subject site with Homeland areas, so the clear intent of the CDP and the analysis of the EIR was that there would be development on this site.

A key component of the CDP is that it focuses on resource protection and limiting impacts. Compliance with the provisions of the plan is intended to mitigate environmental impacts. A component of the CDP is a Resource Management Plan which includes provisions to identify and protect unique and valuable resources including special status plant and wildlife species, wetlands, riparian corridors, wildlife corridors, sensitive habitats, watersheds and Long-Range Management.

The application requests approval to allow grading on slopes exceeding 30%. The layout of the map has been designed in conformance with the CDP in that the Homeland Boundaries are located in areas where slopes are less than 30% and where there would be no significant vegetation disturbance. The Homeland Boundaries would be accessed across roads and driveways following the alignment of existing ranch roads on the site. Sections of these ranch roads cross areas where the slope exceeds 30% and some grading will be necessary to improve these roads. This is consistent with the CDP and the EIR analysis for development within the Santa Lucia Preserve.

The project also includes approval to remove up to 20 Coast Live Oak Trees. This tree removal estimate stems from the original application which proposed 10 lots. The application has been modified to include the creation of 4 lots. The Homeland Boundaries are located to avoid the need to remove trees. There will be some tree removal associated with the installation of the roads. The Santa Lucia Preserve EIR identified that where there would be tree removal they needed to be replaced on a 3:1 or for Landmark trees 5:1 basis. That mitigation measure will be implemented as part of this project.

In a 1997 Addendum prepared for the Santa Lucia Preserve FEIR the hydrologic impacts of the parcels located in Carmel Valley was discussed. The initial EIR did not evaluate these parcels because they were downstream and down slope of the main project area and wells in these areas would not be used to provide water to the remainder of the development in the Santa Lucia Preserve. The Carmel Valley parcels had existing wells to providing water. The addendum identifies that the subject site was under agricultural and that up to 69 units could be constructed on the Carmel Valley parcels, but that the water would come from the water system for the Santa Lucia Preserve. 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 right to 26 acre feet of water that has been recorded 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 4 lots.

Addendum To Final Environmental Impact Report (#94-005)

Due to the duration between the approval of the CDP and this application, the applicant prepared studies addressing archaeology, geology, biology, arboricultural, traffic and historical resource impacts. These studies have not revealed any changes to the circumstances or understanding associated with the certification of the FEIR for the Santa Lucia Preserve.

3. Conclusion

As the discussion above illustrates the proposed project does not result in additional impacts or an increase in the severity of impacts; does not result in impacts that existing mitigation or requirements from the Comprehensive Development Plan don't reduce to a less than significant level, and there are not substantial changes in the site that there are new circumstances that need to be accounted for. Accordingly none of the conditions described in Guidelines Section 15162, requiring a subsequent EIR exist. This Addendum is considered sufficient because it discloses the potential impacts of the proposed project and identifies why additional environmental analysis is not required.

FEIR 94-005(Santa Lucia Preserve) is available for review at the Monterey County Planning Department

**Addendum To Final Environmental Impact Report (#94-005)  
(SCH94083019, SCH95023036) Pursuant to  
the California Environmental Quality Act  
Article 11, Section 15164**

***Heritage Development  
Planning File No. PLN060603  
Combined Development Permit--Minor Subdivision***

1. Introduction

This technical addendum has been prepared pursuant to Article 11, Section 15164 of the California Environmental Quality Act guidelines to make minor technical changes to the project analyzed in the EIR prepared for the Santa Lucia Project which included approval of a Comprehensive Development Plan allowing development of up to 350 units (297 market rate and 53 affordable), certified *February 6, 1996*, by the Board of Supervisors Resolution No. 96-059. None of the conditions described in Section 15162 calling for preparation of a subsequent EIR or negative declaration have occurred.

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The project objective of the Santa Lucia preserve was to establish a permanent preserve for native plant and wildlife habitat while pursuing limited development of the least environmentally sensitive land. Approximately 18,000 acres of the 20,000 acre site was set aside as preserve lands and is a managed wildlife preserve. The remaining 2,000 acres were designated for development. The residential areas designated for development were identified as "Homeland Boundaries" which established the limits of development within the residential lots proposed as part of the preserve development.

## Addendum To Final Environmental Impact Report (#94-005)

The EIR for the Santa Lucia Preserve did not specifically mention the subdivision of this property, but it did contemplate the creation of units within the area covered by the Carmel Valley Master Plan. Furthermore the maps within the Comprehensive Development Plan show the subject site with Homeland areas, so the clear intent of the CDP and the analysis of the EIR was that there would be development on this site.

A key component of the CDP is that it focuses on resource protection and limiting impacts. Compliance with the provisions of the plan is intended to mitigate environmental impacts. A component of the CDP is a Resource Management Plan which includes provisions to identify and protect unique and valuable resources including special status plant and wildlife species, wetlands, riparian corridors, wildlife corridors, sensitive habitats, watersheds and Long-Range Management.

The application requests approval to allow grading on slopes exceeding 30%. The layout of the map has been designed in conformance with the CDP in that the Homeland Boundaries are located in areas where slopes are less than 30% and where there would be no significant vegetation disturbance. The Homeland Boundaries would be accessed across roads and driveways following the alignment of existing ranch roads on the site. Sections of these ranch roads cross areas where the slope exceeds 30% and some grading will be necessary to improve these roads. This is consistent with the CDP and the EIR analysis for development within the Santa Lucia Preserve.

The project also includes approval to remove up to 20 Coast Live Oak Trees. This tree removal estimate stems from the original application which proposed 10 lots. The application has been modified to include the creation of 4 lots. The Homeland Boundaries are located to avoid the need to remove trees. There will be some tree removal associated with the installation of the roads. The Santa Lucia Preserve EIR identified that where there would be tree removal they needed to be replaced on a 3:1 or for Landmark trees 5:1 basis. That mitigation measure will be implemented as part of this project.

In a 1997 Addendum prepared for the Santa Lucia Preserve FEIR the hydrologic impacts of the parcels located in Carmel Valley was discussed. The initial EIR did not evaluate these parcels because they were downstream and down slope of the main project area and wells in these areas would not be used to provide water to the remainder of the development in the Santa Lucia Preserve. The Carmel Valley parcels had existing wells to providing water. The addendum identifies that the subject site was under agricultural and that up to 69 units could be constructed on the Carmel Valley parcels, but that the water would come from the water system for the Santa Lucia Preserve. 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 right to 26 acre feet of water that has been recorded 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 4 lots.

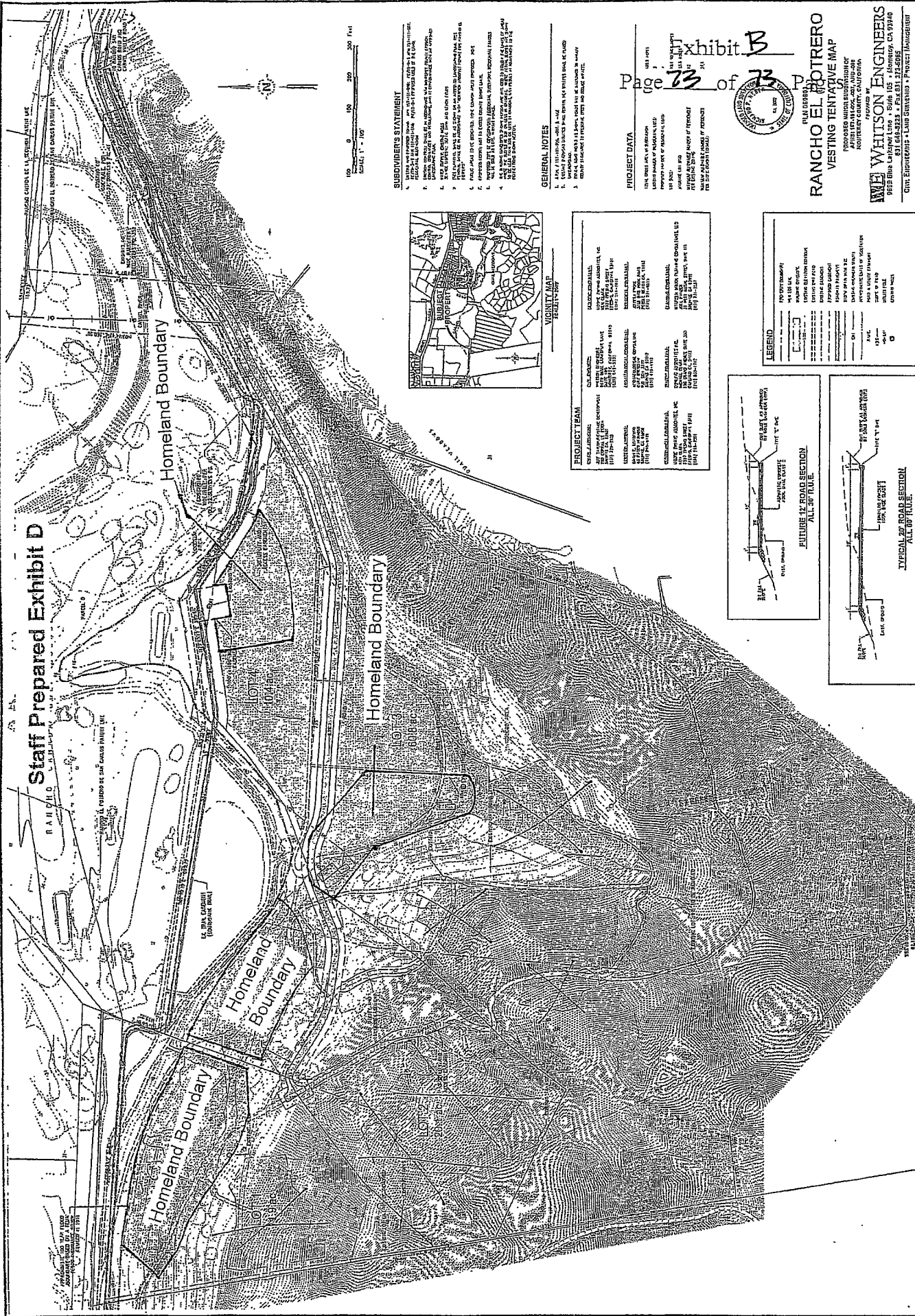
Due to the duration between the approval of the CDP and this application, the applicant prepared studies addressing archaeology, geology, biology, arboricultural, traffic and historical resource impacts. These studies have not revealed any changes to the circumstances or understanding associated with the certification of the FEIR for the Santa Lucia Preserve.

### 3. Conclusion

As the discussion above illustrates the proposed project does not result in additional impacts or an increase in the severity of impacts; does not result in impacts that existing mitigation or requirements from the Comprehensive Development Plan don't reduce to a less than significant level, and there are not substantial changes in the site that there are new circumstances that need to be accounted for. Accordingly none of the conditions described in Guidelines Section 15162, requiring a subsequent EIR exist. This Addendum is considered sufficient because it discloses the potential impacts of the proposed project and identifies why additional environmental analysis is not required.

FEIR 94-005(Santa Lucia Preserve) is available for review at the Monterey County Planning Department

# Staff Prepared Exhibit D



## SUBSIDY STATEMENT

1. THE SUBSIDY STATEMENT IS A STATEMENT OF THE SUBSIDY PROVIDED BY THE STATE OF CALIFORNIA TO THE PROJECT.
2. THE SUBSIDY STATEMENT IS A STATEMENT OF THE SUBSIDY PROVIDED BY THE STATE OF CALIFORNIA TO THE PROJECT.
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10. THE SUBSIDY STATEMENT IS A STATEMENT OF THE SUBSIDY PROVIDED BY THE STATE OF CALIFORNIA TO THE PROJECT.

## GENERAL NOTES

1. ALL DIMENSIONS ARE IN FEET AND INCHES.
2. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD.
3. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD.
4. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD.
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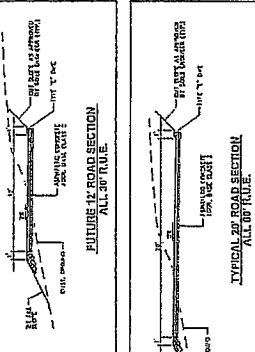
## PROJECT DATA

PROJECT NAME: RANCHO EL POTRERO  
 PROJECT LOCATION: RANCHO EL POTRERO, CALIFORNIA  
 PROJECT OWNER: RANCHO EL POTRERO, CALIFORNIA  
 PROJECT ENGINEER: RANCHO EL POTRERO, CALIFORNIA  
 PROJECT DATE: RANCHO EL POTRERO, CALIFORNIA

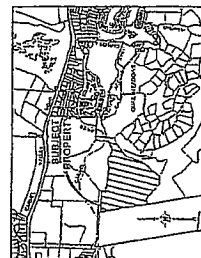
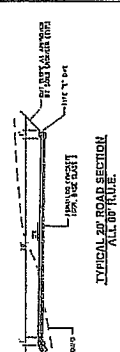
## LEGEND

- PROPOSED ROAD SECTION
- EXISTING ROAD SECTION
- EXISTING ROAD SECTION
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- EXISTING ROAD SECTION

## PROPOSED ROAD SECTION



## TYPICAL ROAD SECTION



## VICINITY MAP

PROJECT LOCATION

PROJECT TEAM	CLIENT	DATE
PROJECT ENGINEER	RANCHO EL POTRERO	1998
PROJECT OWNER	RANCHO EL POTRERO	1998
PROJECT ENGINEER	RANCHO EL POTRERO	1998
PROJECT OWNER	RANCHO EL POTRERO	1998
PROJECT ENGINEER	RANCHO EL POTRERO	1998
PROJECT OWNER	RANCHO EL POTRERO	1998
PROJECT ENGINEER	RANCHO EL POTRERO	1998
PROJECT OWNER	RANCHO EL POTRERO	1998
PROJECT ENGINEER	RANCHO EL POTRERO	1998
PROJECT OWNER	RANCHO EL POTRERO	1998

## RANCHO EL POTRERO

### VESTING TENTATIVE MAP

PROJECT ENGINEER: RANCHO EL POTRERO  
 PROJECT OWNER: RANCHO EL POTRERO  
 PROJECT DATE: 1998

SCALE: 1" = 100'

## EXHIBIT C

### **Addendum To Final Environmental Impact Report (#94-005) (SCH94083019, SCH95023036) Pursuant to the California Environmental Quality Act Article 11, Section 15164**

#### ***Heritage Development Planning File No. PLN060603 Combined Development Permit--Minor Subdivision***

##### **1. Introduction**

This technical addendum has been prepared pursuant to Article 11, Section 15164 of the California Environmental Quality Act guidelines to make minor technical changes to the project analyzed in the EIR prepared for the Santa Lucia Project which included approval of a Comprehensive Development Plan allowing development of up to 350 units (297 market rate and 53 affordable), certified *February 6, 1996*, by *the Board of Supervisors Resolution No. 96-059*. None of the conditions described in Section 15162 calling for preparation of a subsequent EIR or negative declaration have occurred.

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This Addendum describes whether any changes or additions are necessary to the FEIR as a result of the proposed project to subdivide 3 lots into 4 lots. The 3 existing lots are included in the existing unit count for the Santa Lucia Preserve within the Carmel Valley Master Plan area. The proposed project would result in creation of permanent roads on slopes in excess of 30% and the removal of native trees. The EIR certified for development of the Santa Lucia Preserve evaluated the impacts associated with development of 350 units within the boundaries of the Santa Lucia Preserve. The Comprehensive Development Plan (CDP) and FEIR contemplated that 62 of these units would be constructed within the Carmel Valley Master Plan area. Currently 56 units (including the 3 existing lots) have been allocated (or approved for construction) as part of Santa Lucia Development within the CVMP area.

The project objective of the Santa Lucia preserve was to establish a permanent preserve for native plant and wildlife habitat while pursuing limited development of the least environmentally sensitive land. Approximately 18,000 acres of the 20,000 acre site was set aside as preserve lands and is a managed wildlife preserve. The remaining 2,000 acres were designated for development. The residential areas designated for development were identified as "Homeland Boundaries" which established the limits of development within the residential lots proposed as part of the preserve development.

The EIR for the Santa Lucia Preserve did not specifically mention the subdivision of this property, but it did contemplate the creation of units within the area covered by the Carmel Valley Master Plan. Furthermore the maps within the Comprehensive Development Plan show the subject site with Homeland areas, so the clear intent of the CDP and the analysis of the EIR was that there would be development on this site.

A key component of the CDP is that it focuses on resource protection and limiting impacts. Compliance with the provisions of the plan is intended to mitigate environmental impacts. A component of the CDP is a Resource Management Plan which includes provisions to identify and protect unique and valuable resources including special status plant and wildlife species, wetlands, riparian corridors, wildlife corridors, sensitive habitats, watersheds and Long-Range Management.

The application requests approval to allow grading on slopes exceeding 30%. The layout of the map has been designed in conformance with the CDP in that the Homeland Boundaries are located in areas where slopes are less than 30% and where there would be no significant vegetation disturbance. The Homeland Boundaries would be accessed across roads and driveways following the alignment of existing ranch roads on the site. Sections of these ranch roads cross areas where the slope exceeds 30% and some grading will be necessary to improve these roads. This is consistent with the CDP and the EIR analysis for development within the Santa Lucia Preserve.

The project also includes approval to remove up to 20 Coast Live Oak Trees. This tree removal estimate stems from the original application which proposed 10 lots. The application has been modified to include the creation of 4 lots. The Homeland Boundaries are located to avoid the need to remove trees. There will be some tree removal associated with the installation of the roads. The Santa Lucia Preserve EIR identified that where there would be tree removal they needed to be replaced on a 3:1 or for Landmark trees 5:1 basis. That mitigation measure will be implemented as part of this project.

In a 1997 Addendum prepared for the Santa Lucia Preserve FEIR the hydrologic impacts of the parcels located in Carmel Valley was discussed. The initial EIR did not evaluate these parcels because they were downstream and down slope of the main project area and wells in these areas would not be used to provide water to the remainder of the development in the Santa Lucia Preserve. The Carmel Valley parcels had existing wells to providing water. The addendum identifies that the subject site was under agricultural and that up to 69 units could be constructed on the Carmel Valley parcels, but that the water would come from the water system for the Santa Lucia Preserve. 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 right to 26 acre feet of water that has been recorded 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 4 lots.



## Addendum To Final Environmental Impact Report (#94-005)

Due to the duration between the approval of the CDP and this application, the applicant prepared studies addressing archaeology, geology, biology, arboricultural, traffic and historical resource impacts. These studies have not revealed any changes to the circumstances or understanding associated with the certification of the FEIR for the Santa Lucia Preserve.

### 3. Conclusion

As the discussion above illustrates the proposed project does not result in additional impacts or an increase in the severity of impacts; does not result in impacts that existing mitigation or requirements from the Comprehensive Development Plan don't reduce to a less than significant level, and there are not substantial changes in the site that there are new circumstances that need to be accounted for. Accordingly none of the conditions described in Guidelines Section 15162, requiring a subsequent EIR exist. This Addendum is considered sufficient because it discloses the potential impacts of the proposed project and identifies why additional environmental analysis is not required.

FEIR 94-005(Santa Lucia Preserve) is available for review at the Monterey County Planning Department



Heritage Development, L.P.  
280 Corral de Tierra Rd  
Salinas, Ca. 93908

December 8, 2013

RE: Heritage Development Minor Subdivision (PLN060603)

Dear Commissioners,

I would like to clarify my objectives and provide a supporting policy to substantiate my request, for your consideration on Agenda Item no. 7 on December 11, 2013.

We currently have 3 lots of record without any restrictions of Homelands and Openlands as required by the EIR.

We are not annexed into the RSCDP /The Santa Lucia Preserve and should not be guided nor restricted by this plan.

The required 18,000 acres of conserved land required in the EIR, pages 2 -5 and 2- 10, have been fulfilled.

This project should be guided by the Land Use section of the EIR as described on page 3 -21 as Carmel Valley Master Plan Policy 26.1.9.1.

As John can agree after walking the property, all proposed building envelopes are open and clear pasture areas suitable for a homesite. We trimmed the building envelopes prior to final map based on John's request to protect environmentally sensitive areas.

After reviewing John's report for your consideration, the following recommendations are unacceptable because they are excessively restrictive based on the required EIR guidelines:

Specific Homeland as described in Exhibit D.

I am proposing a map, which is attached to this email. Irrigated pastures colored green on the map to allow animal husbandry and or farming uses, a partial homeland for facilities or the entire homeland if the future buyer decides. Or the homeland can be in one of the light brown shaded areas in appropriately identified envelopes.

Restriction of irrigation to only lot 3 and 4.

We historically irrigate pastures. All the green area of the map as well as lower lot 1, about 5 acres, the green area and the lower light brown shaded area.

Tree Removal of only 4 trees in driveway across lot 2.

Overall, 8 trees should be enough to cover this road section, no tree removal is proposed in lot 1.

Second units and Guest house.

No added restrictions other than the CVMP. We are not annexed into the Santa Lucia Preserve and should not be guided by the CDP.

The following conditions I specifically object to as written, I have suggested alternative language:

Condition 14 - Openlands Conservation Easement

a) ii) RSC Cattle Grazing and Management Plan refers to Stocker cattle, my current cattle operation is a cow / calf. This is a totally different operation and is more a year around vs. seasonal. I will look for a suitable plan that RMA management can accept.

a) iii & iv) I would like to submit CC&R's that might not allow these based on our marketing strategy, to sell these 4 parcels as an Equestrian Estate.

a) vi) Historically farmed and irrigated is identified by the green area of the map.

b) To allow existing animal husbandry and farming practices on all areas. Openland on the hillside shall be guided by Item 15 Conservation and Scenic Easement, policies that will allow for continued existing use of the property for occasional grazing.

Condition 17 - Homeland Boundaries shall be recorded.

Homeland Boundaries shall follow all suggested guidelines although they will be determined at time of issuing a building permit and no larger than a combined 4 -5 acre. Homeland Boundaries shall be restricted to only areas identified on map. Homeland Boundaries may be split to accommodate equestrian and or livestock facilities from separate homesite, there was lots 6 in the Santa Lucia Preserve that Joel Panzer submitted for your consideration which has 2 Home Boundaries.

Condition 45 - Second Unit

Already explained, this is not addressed in the EIR and this property is not annexed into the Santa Lucia Preserve.

In closing I would like to thank you for your consideration. I hope that these explanations clarify any confusion of my desired results, based solely on the requirements of the EIR and not being treated as if this property were annexed in to the CDP and or The Santa Lucia Preserve.

Sincerely,

Jeff Taylor  
Managing Partner Heritage Development  
[jeff@thegoodnewsherald.com](mailto:jeff@thegoodnewsherald.com)  
Cell. 831-320-2228



PLN 060623

Heritage Development

Planning Commission Hearing  
December 11, 2013

Chair Mendez and Commissioners,

I appreciate the complexity of this project and the attention to detail by Planner John Ford. I also appreciate the planning commissioners' astute observations and questions, as this application has continued to be refined in helpful ways. Thank you.

The rural nature and natural beauty of the Carmel Valley, which draw both residents and visitors to this area, is an invaluable resource for the County. I support wisely designed development that preserves both.

I concur that the changes proposed by staff that preserve more trees and move the homeland areas to places that require less grading and better site lines further that goal.

At the October 30 hearing, Mr. Ford addressed the need to move the homeland areas, not only to preserve more trees and reduce the need for more roads, but also to preserve the views from both Highway 1 and from Carmel Valley Road...both scenic roads.

While at times, it seems like the Valley has so much open space and beautiful views that a house visible here or there, once in awhile, doesn't alter it enough to matter. In fact, the cumulative effects of several approvals quickly change the landscape.

Concerning this project, I fully support the staff recommendation to move the homeland areas for all the reasons stated.

Thank you.

Sincerely,

*Christine*

Christine Williams

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