



Monterey County

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

Board Report

Legistar File Number: A 17-370

September 19, 2017

Introduced: 9/5/2017

Version: 1

Current Status: Agenda Ready

Matter Type: BoS Agreement

Country Lake Estates - Phase 1 Final Map

- a. Accept the Phase 1 Final Map of the County Lake Estates Standard Subdivision consisting of dividing a 52.2-acre parcel into nine residential parcels, five commercial parcels and a remainder parcel of 31 acres in Phase 1 reserved for future development;
- b. Accept the Tax Clearance Letter and Subdivision Map Guarantee;
- c. Accept the Inclusionary Housing Agreement;
- d. Approve the Subdivision Improvement Agreement and authorize the Chair of the Board to execute the Subdivision Improvement Agreement; and
- e. Direct the Clerk of the Board to submit the Phase 1 Final Map, the Subdivision Improvement Agreement, and Inclusionary Housing Agreement for recording, with recording fees paid by the applicant.

Proposed CEQA Action: Statutorily Exempt per Section 15268(b)(3).

Location: 70850 New Pleyto Road, Bradley (South County Area Plan)

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Find that accepting a final map is Statutorily Exempt per Section 15268(b)(3) of the CEQA Guidelines;
- b. Accept the Phase 1 Final Map of the County Lake Estates Standard Subdivision consisting of dividing a 52.2-acre parcel into nine residential parcels, five commercial parcels and a remainder parcel of 31 acres in Phase 1 reserved for future development;
- c. Accept the Tax Clearance Letter and Subdivision Map Guarantee;
- d. Accept the Inclusionary Housing Agreement;
- e. Approve the Subdivision Improvement Agreement; and authorize the Chair of the Board to execute the Subdivision Improvement Agreement; and
- f. Direct the Clerk of the Board to submit the Phase 1 Final Map, the Subdivision Improvement Agreement, and Inclusionary Housing Agreement for recording, with recording fees paid by the applicant.

PROJECT INFORMATION:

Planning File Number: PLN040103

Owner: CLE Industries Inc.

Project Location: 70850 New Pleyto Road, Bradley

APN: 423-251-034-000

Zoning: Low Density Residential, 1 acre per unit (LDR/1) and Heavy Commercial (HC)

Parcel Sizes: 52.2 acres (Phase 1). Phase 2 is 40 Acres

Agent: John Bridges (Fenton & Keller)

Plan Area: South County Area Plan

Flagged and Staked: No

CEQA Action: Statutorily Exempt per CEQA Guidelines Section 15268 (b)(3)

SUMMARY AND DISCUSSION:

On December 4, 2007, The Board of Supervisors approved the Country Lake Estates Standard Subdivision of two properties totaling 92 acres into 52 market-rate single family parcels ranging in size from 1.0 acre to 5.1 acres and 5 commercial parcels located adjacent to New Pleyto Road. Govt. Code Section 66456.1 and Section 19.03.040 of Monterey Code Title 19 (Subdivision Ordinance) allow the filing of multiple final maps. Phase 1 will divide a 52.2-acre parcel into nine residential parcels, five commercial parcels, and remainder parcel in Phase 1 of 31 acres reserved for future development.

The proposed phasing of the final map has been reviewed and determined by staff to be in substantial compliance with the approved vesting tentative map. All “prior to recordation of the first final map” and “prior to recordation of the final map” conditions, as they pertain to Phase 1, have been cleared by the responsible land use departments and agencies.

Phasing Plan/Ownership Changes

Since the time of approval of the Vesting Tentative Map (VTM) the ownership group has dissolved, with separate owners taking possession of each original property. The James E. Hansen Family Trust (formerly CLE Industries) owns a 52.2-acre parcel on which the original Phase 1 map (37 lots) was approved. Another ownership group is in possession of the adjacent 40-acre parcel (Original Phase 2, consisting of 15 residential lots).

Due to the split in ownership, it is not anticipated that the 40-acre lot (Phase 2) will be developed or subdivided in the immediate future; this may result in 15 fewer residential lots being developed than originally intended. The original Vesting Tentative Map was approved for two distinct phases (one phase for each of the original properties). Due to market conditions since initial approval, the phasing plan has been revised to split the original Phase 1 into multiple phases to allow for the phased development of the lands under control of the James E. Hansen Family Trust. The proposed “Phase 1 Final Map” before the Board of Supervisors consists of the fewer residential lots (9), but continues with five (5) commercial lots, and now includes a remainder lot (31 acres) reserved for future development. However, all conditions of approval remain in effect for the 52.2-acre property.

Condition Compliance

Park Development/Location

On the Phase 1 Final Map before the Board of Supervisors, the park/recreation facilities (0.47 acres) has been relocated from Lot 38 of the original Phase 2, onto the lot C-4, which is a more centralized location for future residents of the subdivision and provides better access for the general public. The Parks Director determined that this relocation of the park is in substantial conformance with the intent of the original condition, which requires the development of a recreational area for use of future residents. To ensure that the park/recreation facilities are developed, and ensure dedication of the land, a recreation plan, and a cost estimate for development of the park has been provided and is included in the Subdivision Improvement Agreement (See Attachment B - Conditions 67-71).

Undergrounding of Utilities

Condition 11 requires the placement of a note on the map stating that utilities will be undergrounded for the subdivision, and such utilities shall be installed or bonded prior to recording of the final map. In this particular case, it is unclear if existing overhead utility lines were existing at the time of VTM approval. The applicant is substantial compliance with this condition notwithstanding the fact that there are existing overhead utility lines on the property because a note has been placed on the "Phase 1 - Final Map" stating that utilities shall be undergrounded. In an effort to clear up the confusion regarding existing overhead utility lines, the following interpretation has been made by the Director of Resource Management Agency (RMA):

"Conditions for undergrounding do not apply to major transmission lines, but do apply to feeder lines/poles. Existing overhead utility lines (feeder lines/poles) could remain for Phase 1. Existing, in this context, means site conditions when the tentative map was approved. It is believed that overhead poles may have been installed after tentative map approval. If feeder poles/lines were installed after the map was approved, the project needs to be designed such that those poles will be undergrounded and removed, before completing Phase 2 improvements."

Staff finds that the feeder lines/poles were installed after tentative map approval. This wording requires Phase 1 to include underground utilities even if the feeder poles were there prior to tentative map approval. The intent is to allow overhead facilities to remain in place as temporary power until the underground facilities are operational, meaning prior to final approval or occupancy of any homes. By allowing "existing" overhead lines to remain for Phase 1, but requiring in the undergrounding prior to recordation of any other final map, the condition is in substantial conformance to the intent of the condition requirement and is "partially met" for Phase 1.

Recommendation

A security bond has been approved for the Subdivision Improvement Agreement. Therefore, staff recommends that the Board accept the County Lake Estates Standard Subdivision Phase 1 map for recording.

A chart detailing the condition compliance and status of all 93 conditions of approval is attached as Attachment A of this report.

California Environmental Quality Act (CEQA)

Approval of final subdivision maps is considered a ministerial action, and is statutorily exempt from CEQA review, per CEQA Section 15268(b)(3). The project involves the recordation of a final map for Phase 1 of a previously approved standard subdivision, for which all "prior to recordation of map" conditions, applicable to Phase 1, have been satisfied.

OTHER AGENCY INVOLVEMENT:

The following agencies have reviewed the project and have cleared their recommended conditions for recording of the parcel map:

- RMA - Planning

- RMA - Public Works
- RMA - Parks
- Water Resources Agency
- Environmental Health Bureau
- South County (Cal-Fire) Fire Protection District

FINANCING:

Fees for filing the Parcel Map will be paid by the applicant. As such, funding for staff time associated with this project is included in the FY 17-18 Adopted Budget for RMA-Planning.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

This action represents effective and timely response to our RMA customers. Processing this application in accordance with all applicable policies and regulations also provides the County accountability for proper management of our land resources.

Check the related Board of Supervisors Strategic Initiatives:

- ☐ Economic Development
- ☒ Administration
- ☐ Health & Human Services
- ☐ Infrastructure
- ☐ Public Safety

Prepared by: David J. R. Mack, AICP, Senior Planner, Ext. 5096

Reviewed by: Brandon Swanson, RMA Planning Services Manager

Approved by: Carl Holm, AICP, Director Resource Management Agency

BS (Brandon Swanson for David Mack)
BS
CAH

The following attachments are on file with the Clerk of the Board:

- Attachment A - Draft Resolution
- Attachment B - Condition Compliance Status Matrix
- Attachment C - Cover letter to the Clerk of the Board
- Attachment D - Phase I Final Map
- Attachment E - Subdivision Map Guarantee
- Attachment F - Property Tax Clearance Certification
- Attachment G - Subdivision Improvement Agreement
- Attachment H - Inclusionary Housing Agreement

cc: Front Counter Copy; Jacqueline R. Onciano, Chief of Planning; CLE Industries Inc (James Hansen), Applicant/Owner; Fenton & Keller (John Bridges), Agent/Attorney; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); Project File PLN040103.