

Exhibit F

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Carmel Valley Association

preserving the beauty, resources, and rural character of the Valley since 1949

February 2, 2019

To: Carl Holm, Mike Novo, John Dugan, Brandon Swanson
Supervisors
Planning Commissioners

Subject: PLN180281 for an after-the-fact permit for new construction and new use at Carmel Valley Ranch

Project PLN180281 is more than a design approval. This is for a new use at the Carmel Valley Ranch. This is an after-the-fact application for a lot of grading and heavy construction work that was already done. The project should include removing the 12 residential lots in this location that are part of past County approvals for Carmel Valley Ranch. And the project should include an amendment to the Carmel Valley Ranch Specific Plan that applies to the overall property.

The Carmel Valley Association does not object to the idea of horse use in theory but does object to the project not following the requirements and planning process for this change in use.

Carmel Valley Association requests additional information about the new horse uses and its potential impacts. This is more than design approval because the everyday use of the new proposed horse stables for 20 horses and barn at the site requires manure management, paved access, fly management, water, etc. The addition of the new use and new structures requires environmental review for impacts including erosion, grading, manure, paving, water use (the September Ranch EIR addressed water use per horse), traffic including horse trailers and hay deliveries, new roadways, and ensuring safe interaction between vehicles and horses and riders. In addition, CVA requests information about any anticipated horse events that would be included in the new use and what impacts those could have.

CVA requests that the County refer PLN180281 to the Planning Staff to follow the right procedure. CVA may support the project eventually but further information is necessary. We ask that the process be followed and that the Carmel Valley Ranch Specific Plan be amended as required. Past changes to Carmel Valley Ranch have required amendments to the specific plan, and this one should, too. Complete transparency is necessary so that the public knows what is allowed there and what is not.

The project is not exempt from the California Environmental Quality Act and not under Section 15303 as the County notice states. Section 15303 is for projects under 2500 square feet and for accessory structures like garages. This project would be 7,850 square feet of new structures. Further, it is for a new use that is not included in the specific plan, which is another reason it is not exempt.

We request that the Planning Department honor the Carmel Valley Master Plan and the Carmel Valley Ranch Specific Plan and set an example for development that is consistent with the

MAIL P.O. Box 157, Carmel Valley, CA 93924

WEB www.carmelvalleyassociation.org | EMAIL president@carmelvalleyassociation.org

regulations, ordinances, and requirements. We have met with the new owners of Carmel Valley Ranch, and we believe they want this done right.

Sincerely,

Pris Walton, Carmel Valley Association, President

From: [Eric Sand](#)
To: [Pham-Gallardo, Son x5226](#); [Quenga, Anna V. x5175](#)
Cc: [Eric Sand](#)
Subject: Challenge to "Notice of Pending Administrative Design Approval" for Code Enforcement violation 18CE00047
Date: Thursday, September 6, 2018 2:40:54 PM

Hello Ms. Pham-Gallardo and Ms. Quenga,

I am challenging the granting of an Administrative Design Approval to clear a Code Enforcement violation 18CE00047 based on the following observations:

- 1.) The latest Condition Compliance Status Report for PLN150751 indicates that the proposed permit for the 218 acre APN 416-522-020-000 does not allow for the building or construction of any accessory structures on APN 416-522-020-000 and this includes horse pens, shade structures, and hay barns. PLN150751 specifically outlines that only 12 residential lots and 4 open space lots are provided for in the requested permit and does not include anything else.
- 2.) When I discussed the building code violation situation with you yesterday it was pointed out to me that Item D.1 on page 24 of the "Carmel Valley Ranch Specific Plan - October 1, 1996" contained references to "Riding and Hiking Trails" which was interpreted by you as supporting the "Administrative Design Approval" for the building of horse related structures. I contend this section does not support the construction of related accessory buildings on APN 416-522-020-000 and only pertains to "trails" for use by horse riders.
- 3.) The ongoing requested permit extension PLN150751 and its conditions appear to be in direct conflict with the granting of a new accessory building permit on the same 218 acres (APN 416-522-020-000).

Thank you for your time and attention.

Eric Sand

Eric H. Sand
Eric.Sand@ICloud.com
831.372.7788 (Cell)

September 4, 2018

Carl Holm, Director
Son Pham-Gallardo, Associate Planner
Monterey County Resource Management Agency-Planning
1441 Schilling Place South, 2d Floor
Salinas, CA 93901

Subject: PLN180281 for "CVR HSGE LLC"

Dear Mr. Holm and Ms. Pham-Gallardo:

We represent Carmel Valley Association (CVA) with regard to the County's "Notice of Pending Administrative Design Approval" for PLN180281. (See attached.)

Carmel Valley Association is a large community organization and has worked for decades in the public interest. CVA is entirely volunteer. CVA's mission is to defend the beauty, resources and rural character of our beautiful valley. CVA has had a longstanding interest in the Carmel Valley Ranch properties, its development and environmental impacts. This has been a controversial site for decades, starting when the initial developer of the site claimed it had a separate aquifer independent of the overdrafted Carmel Valley alluvial aquifer.

CVA Requests a Public Hearing

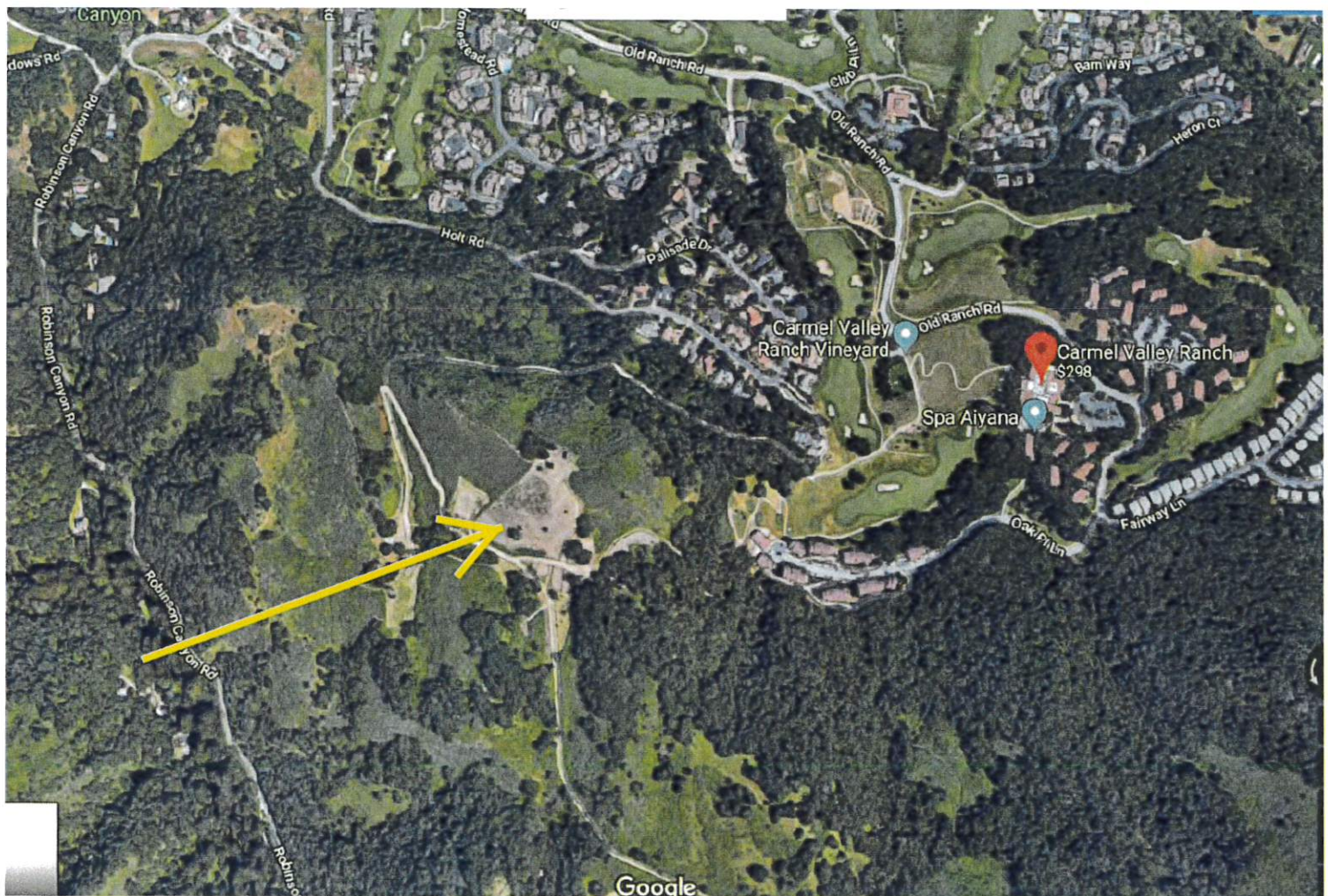
CVA requests a public hearing by the Planning Commission on project PLN180281. The request is based on concerns including the following partial list. The concerns are in bullet form and briefly stated due to time limitations and urgency.

- #1 • CVA was not notified by the County of the proposed approval. CVA discovered the notice of proposed administrative approval by accident. CVA has not had sufficient time to investigate the project and the potential impacts.
- #2 • County notice is inadequate on several independent grounds. It does not say "Carmel Valley Ranch" anywhere. The County knows better.
- #3 • "CVR HSGE LLC" is a Delaware company. The general public does not recognize that company as the owner of Carmel Valley Ranch. The notice failed to disclose that the project is at Carmel Valley Ranch.
- #4 • "Project Location: NO ADDRESS ASSIGNED TO PARCEL (LOCATED OFF OF OLD RANCH ROAD)" is a materially inadequate description of project location. Old Ranch Road is lengthy. County failed to provide map or any other indication of where the project is located. Made worse

by County's failure to disclose "Carmel Valley Ranch" anywhere on notice. Looks like County made effort to hide applicant and location. Not accurate in any event because the site is between Holt Road and Robinson Canyon Road, and not "off Old Ranch Road." The error shows the County's lack of familiarity with the site. The project location error is fatal to the notice because it does not accurately inform the public of the location of the project site, which is relevant to its impacts.

#5

- The illegal grading and construction is located in the area of the large graded site seen in the center left of the aerial image below:



#6

- County notice fails to state the applicable zoning or the Carmel Valley Ranch Specific Plan. Those are material omissions.

- #7
 - The County notice includes an incomplete and misleading project description. The notice fails to show the multiple new slab foundations intended for future structures. It fails to disclose and quantify the unpermitted and ongoing and future grading. (See attached photos.) It fails to disclose the current permitted uses on the site. No map or drawing of the project is included.
- #8
 - The illegal construction and grading are at same location as the County-approved 12-lot residential subdivision. The County approved the subdivision subject to 60 conditions of approval, including conservation easements and rezoning of existing lots. The 12-lot subdivision was subject to extensive litigation. No evidence that applicant has complied with 58 of the 60 conditions. To the contrary, it appears that all but two of the conditions have not been complied with. (See attached County Compliance Chart dated 9-3-2018.)
- #9
 - Previously Board-approved Combined Development Permit (PLN020280 and extended by later permits) was for APN 416-522-020-000 – the site that is the subject of the newly proposed pending permit – and APN 416-522-017-000. The Combined Development Permit consisted of: 1) Vesting Tentative Map for the subdivision of an 218-acre parcel into 12 residential lots of approximately 6.8 acres to 16.9 acres in size and 4 open space parcels totaling approximately 99 acres; 2) Use Permit for development on slopes greater than 30% for the construction of an access road; 3) Use Permit for the removal of approximately 193 protected oak trees.
- #10
 - Condition 1 of that decade-old permit states in part as follows:

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.
- #11
 - The decade-old County permit expressly states as follows:

The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

- #12 • The County has failed to consider the recent and ongoing illegal actions in light of the existing County requirements. The current unpermitted development and after-the-fact application should be at least considered as a proposed amendment to the use permit, and the proposal should be considered in light of all other issues on the parcel and the Carmel Valley Ranch properties and site, and the environmental review to date, the resources on the site, the issues addressed by the unmet conditions, and the environmental issues in Carmel Valley.
- #13 • “120' x 40' shade structure with steel posts and wood beams” sounds like a special event venue.
- #14 • “20 new wood horse pens measuring 12' x 30' each” sounds like a new commercial horse boarding or special event use.
- #15 • February 2018 County notice of violation says this:
 - Description of potential Violation(s):*
 - *Unpermitted Accessory structures*
 - *Unpermitted grading exceeding 100 cubic yards*
- #16 • 20 horses, 7,200 s.f. of horse pens, a hay barn, and a 4,800 s.f. “shade structure” on one parcel are not “accessory uses” to the residential uses and open space uses approved on the parcels by the County’s decade-old Combined Development Permit.
- #17 • To the extent the County may seek to rely on County Code section 21.12.030 H. – “Non-habitable accessory structures and accessory uses to any permitted use” – that section does not help the County or the applicant. The permitted use is residential, presumably; this issue should be clarified publicly by the County because the County notice did not identify the zoning. A structure containing 20 horse pens, a good-size hay barn structure, extensive grading, and two or more large concrete slab foundations for undisclosed future construction are not “accessory” to a residential use on the parcel. Instead, they indicate a commercial use.
- #18 • If the property owner wants a different use on the parcel instead of residential, the County has a process to follow. The County process has not been followed here.
- #19 • The proposed permit fails to disclose, address and quantify unpermitted grading identified in County notice of Code Violation, and the proposed County approach has resulted in incomplete and improper piecemealing of environmental review. The amount of grading likely would have environmental impacts. No mitigation is proposed.

- #20 • Since the County issued a Notice of Violation in February 2018, unpermitted development at the site has continued. There is materially more development at the site than disclosed in the County's "Notice of Pending Administrative Design Approval." The additional unpermitted development includes large slab foundations, more grading (as confirmed by the photos and the large mechanical equipment at the site) and at least one completed building. (See attached photos taken July 2018.) All of these have unanalyzed, undisclosed and unmitigated impacts.
- #21 • Does not appear to be consistent with the Carmel Valley Ranch Specific Plan. No mention of Specific Plan anywhere, or past County actions, approvals, conditions, and requirements for this parcel.
- #22 • Use permit required, according to County Code Violation notice. Administrative permit for a controversial development like Carmel Valley Ranch and this large site given past litigation should not be done administratively. Appears County staff does not have adequate understanding of complex history of site and property. Many changes. Most planners have come and gone in RMA's massive turnover, and the turnover has continued. Recent new planner Ramon Montano wrote the code violation notice; he is now gone, according to the County website. Yet another new County planner is proposing administrative approval.
- #23 • County should provide a written report containing overview, status, code violations, proposed project, and status of compliance with all other active County approvals as to this parcel. Report should be presented to County decision makers at public hearing.
- #24 • CVA requests review by the Planning Commission, instead of by staff. County staff has a very long and complicated history with this property and its legal representative, and staff's recent actions have demonstrated its lack of due diligence and professional expertise.
- #25 • The applicant is a sophisticated developer represented by longtime counsel for Carmel Valley Ranch. This violation is one in a long string of violations.
- #26 • CEQA: County should know better than to simply claim "categorically exempt" without specifying the claimed exemption class and providing the basis for the claim. The notice does not identify a CEQA exemption and does not provide a basis for any such claim in any event. CVA condemns such unprofessional acts by the County. CVA objects to all CEQA claims for this project because CVA has not had reasonable opportunity to review them and the facts of the project because the County has not disclosed them. The proposed uses appear to require at least an initial study, under

the circumstances including the size of the project, the previously undeveloped nature of the site, the existing approvals and conditions, and the erosion, use, access issues.

Please Respond Promptly.

Please advise me and CVA president Pris Walton (PrisWalton@sbcglobal.net) promptly by email of the County decision with regard to CVA's requests in this letter.

Ongoing Concerns.

Carmel Valley Association is weary of Monterey County RMA-Planning's inaccurate, incomplete, inconsistent, and piecemeal approach to land use approvals. This approach has been evident for years in the County's actions— and lack of actions – in enforcing existing conditions of approval, in considering new development, in treating some applicants more preferentially than others, and in adequately informing the public and interested persons and organizations when new development is proposed. This is an ongoing pattern of which this PLN180281 is a recent example. Whether the RMA's practice is intentional or merely incompetent, the result is the same. The public process is shortchanged, and public interests are thwarted. The public suffers. The environment suffers. The ongoing and continuing County RMA-Planning approach is not in the public interest and is illegal on numerous independent grounds.

Very truly yours,

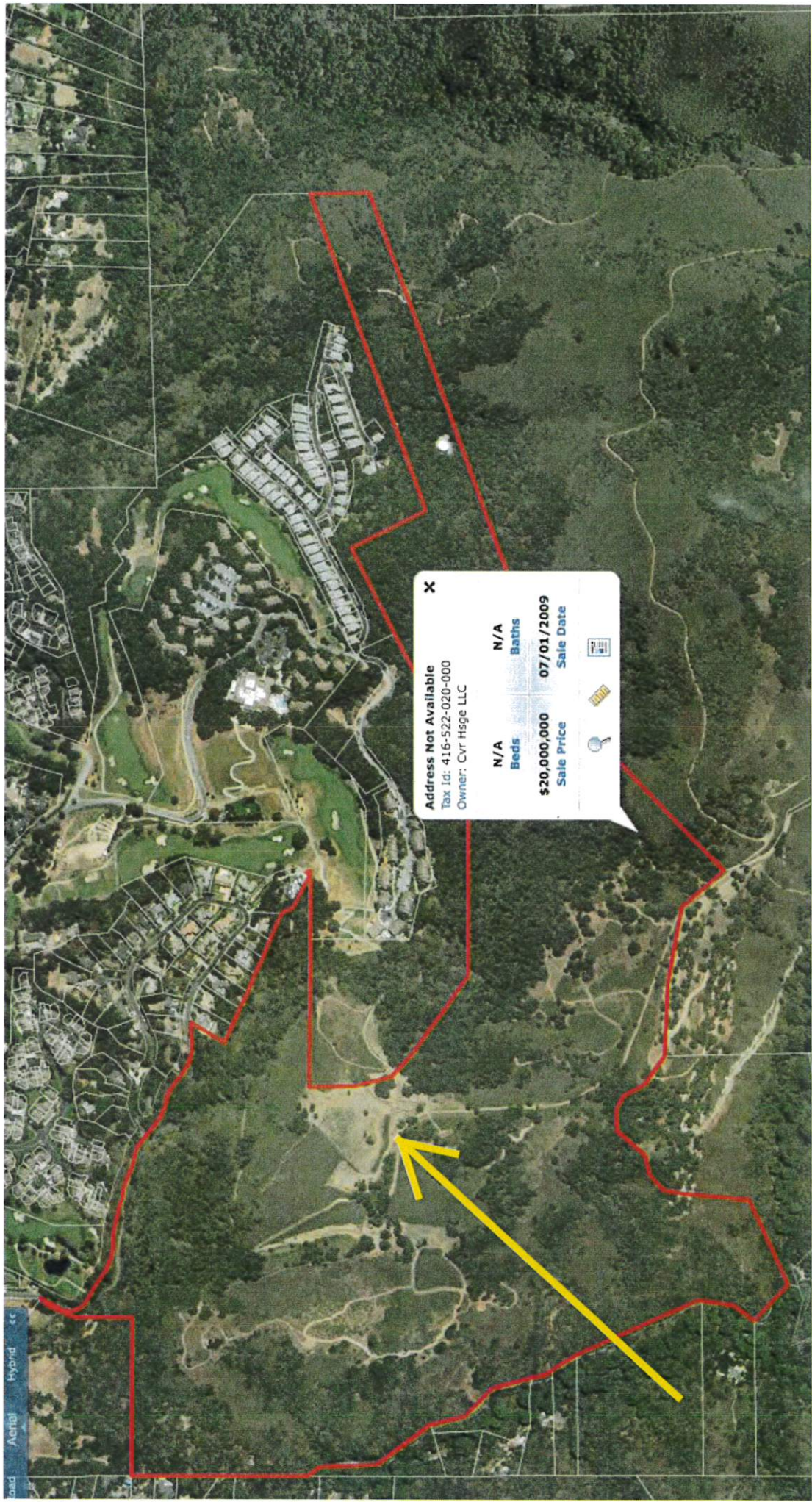
Molly Erickson

Molly Erickson

Attachments:

1. Outline of APN 416-522-020-000 with site generally indicated by arrow
2. County notice of pending permit PLN180281
3. Photographs of site taken July 2018
4. Compliance chart for 12-lot subdivision (PLN020280 as extended)
5. County Code Violation notice dated February 2018

c: Mary Adams, 5th District Supervisor



X

Address Not Available
Tax Id: 416-522-020-000
Owner: Cvr Hsge LLC

N/A	N/A
Beds	Baths
\$20,000,000	07/01/2009
Sale Price	Sale Date

Icons: Search, Print, Full Screen, Data

Notice of Pending Administrative Design Approval

NOTICE IS HEREBY GIVEN that on **Friday, September 7, 2018** the Director of Planning of the County of Monterey Resource Management Agency, State of California is considering an Administrative Design Approval to clear a Code Enforcement violation (18CE00047) for the construction of 20 new wood horse pens measuring 12' x 30' each with 120' x 40' shade structure with steel posts and wood beams, corrugated steel with iron plating; 648 square foot hay barn constructed on steel posts with wood beams; and 21' entry wooden beam. Colors and materials consist of brown and tan/earth tones.

Project Location: NO ADDRESS ASSIGNED TO PARCEL (LOCATED OFF OF OLD RANCH ROAD)

Owner: CVR HSGE LLC

Project File Number: PLN180281

Assessor's Parcel Number: 416-522-020-000

Planning Area: CARMEL VALLEY MASTER PLAN

Environmental Status: CATEGORICALLY EXEMPT

This application may be scheduled for public hearing if a written request is received in the office of the Monterey County Resource Management Agency-Planning by 5:00 pm **Thursday, September 6, 2018**. A public hearing may be required if any person, based on a substantive issue, so requests.

IF YOU CHALLENGE THIS MATTER IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS PUBLIC NOTICE OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE APPROPRIATE AUTHORITY AT OR BEFORE THE PUBLIC HEARING.

FOR ADDITIONAL INFORMATION CONTACT:

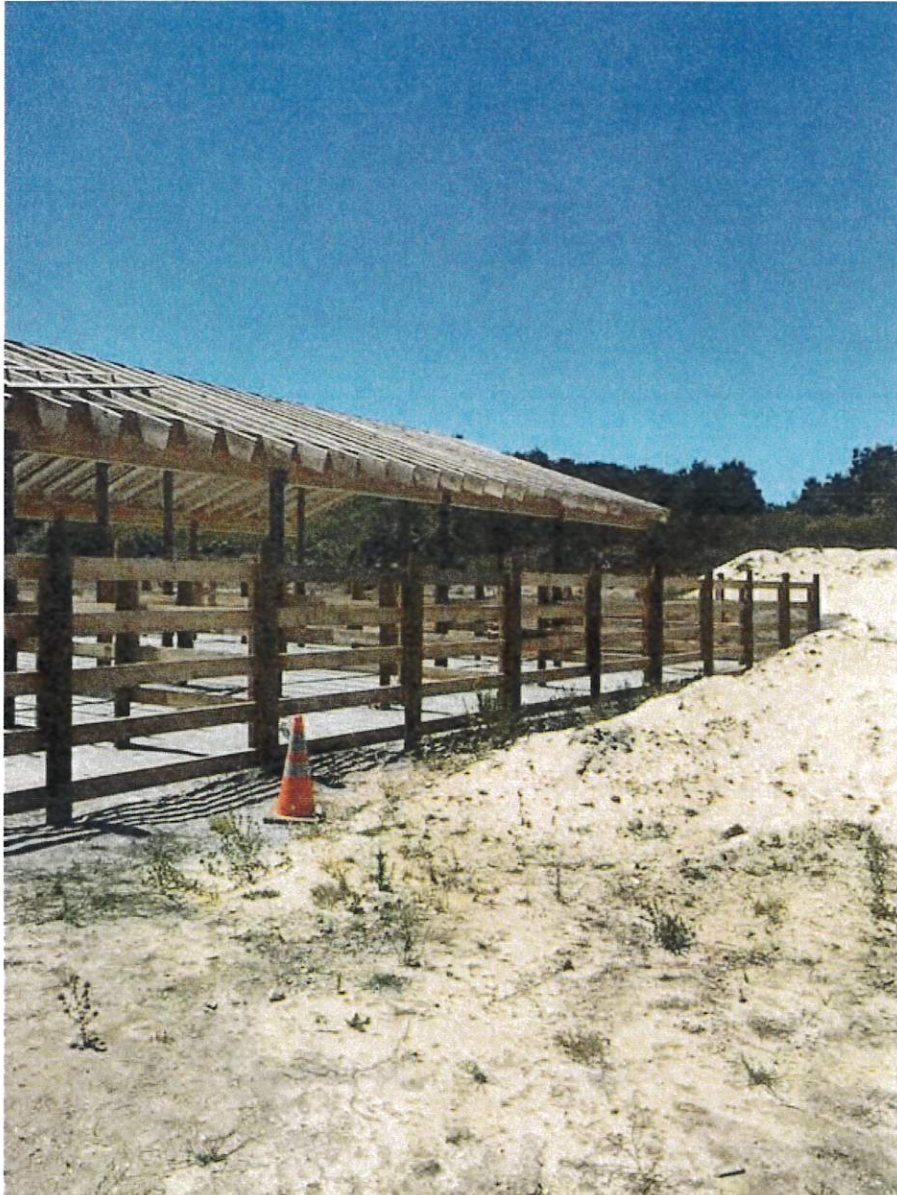
Son Pham-Gallardo, Associate Planner
Monterey County Resource Management Agency-Planning
1441 Schilling Place South 2nd Floor, Salinas CA, 93901
(831) 755-5226 or pham-gallardos@co.monterey.ca.us



July 2018 photographs of illegal and unpermitted grading and construction at Carmel Valley Ranch area, APN 416-522-020-000. Illegal construction/grading continued after the County issued Code Enforcement violation 18CE00047 in February 2018.



July 2018 photographs of illegal and unpermitted grading and construction at Carmel Valley Ranch area, APN 416-522-020-000. Illegal construction/grading continued after the County issued Code Enforcement violation 18CE00047 in February 2018.



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Monterey County Resource Management Agency Planning Department

Condition Compliance Status Report for PLN150751

(as of 09/03/2018)

1. PD001 - SPECIFIC USES ONLY

Current Status: **On-Going**

Responsible Department: Planning Department

Condition/Mitigation
Monitoring Measure:

This Permit Extension (PLN150751) is for a previously approved Combined Development Permit (PLN020280 - BOS Resolution No. 06-366) which consisted of: 1) Vesting Tentative Map for the subdivision of an 218-acre parcel into 12 residential lots of approximately 6.8 acres to 16.9 acres in size and 4 open space parcels totaling approximately 99 acres; 2) Use Permit for development on slopes greater than 30% for the construction of an access road; 3) Use Permit for the removal of approximately 193 protected oak trees. The property is located at Ranch Road (Assessor's Parcel Numbers 416-522-020-000 & 416-522-017-000), Carmel Valley Area Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of RMA - Planning. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning)

1 Old

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.

Comments By Staff

Last Update on:

Updated By:

3/29/2016 4:30:29PM

GILESS

Condition Compliance Status Report for PLN150751

2. PD002 - NOTICE PERMIT APPROVAL

Current Status: Met

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state:
"A three (3) year Permit Extension (Resolution Number 16-008) was approved by the Monterey County Planning Commission for Assessor's Parcel Numbers 416-522-020-000 & 416-522-017-000 on March 9, 2016. The permit was granted subject to 60 conditions of approval which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."

Proof of recordation of this notice shall be furnished to the Director of RMA - Planning prior to issuance of grading and building permits, Certificates of Compliance, or commencement of use, whichever occurs first and as applicable. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits, certificates of compliance, or commencement of use, whichever occurs first and as applicable, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning.

Comments By Staff

Last Update on:

Updated By:

6/1/2016: Document recorded as Document Number 2016029874 to help satisfy this condition (Stacy Giles for David Mack)

6/1/2016 4:42:06PM

GILESS

5/27/2016: Agent, Cody Phillips, was notified via e-mail that the documents are left up front at the reception counter in Customer Pick-up under his last name and ready to record (Stacy Giles)

5/24/2016: Document is located in "Legal Documents to Record" Folder in Stacy's cubicle until Indemnification Agreement is signed by Director of RMA and both documents are ready to record (Stacy Giles)

4/18/2016: Agent contacted that document is now ready for signature and documents will be left up front in customer pick-up at the reception counter under "Phillips, Cody" (Stacy Giles)

4/14/2016: Documents submitted to County Counsel for review (Stacy Giles)

4/13/2016: Follow up-email to agent regarding clarification of Legal Description (Stacy Giles)

4/11/2016: Contacted agent, Cody Phillips, regarding clarification of legal description for one of the APN's (Stacy Giles)

4/5/2016: Contacted Agent requesting Grant Deed (Stacy Giles)

Condition Compliance Status Report for PLN150751

3. PD004 - INDEMNIFICATION AGREEMENT

Current Status: Met

Responsible Department: Planning Department

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

Compliance or Monitoring Action to be Performed: Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, recording of the final/parcel map, or recordation of Certificates of Compliance, whichever occurs first and as applicable, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the Director of RMA-Planning for review and signature by the County.

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

Comments By Staff

Last Update on:

Updated By:

Condition Compliance Status Report for PLN150751

06/01/2016: Document was recorded as Document Number 2016029873 to help satisfy this condition (Stacy Giles for David Mack)

6/1/2016 4:42:49PM

GILESS

5/27/2016: Agent, Cody Phillips, was notified via e-mail that the documents are left up front at the reception counter in Customer Pick-up under his last name and ready to record (Stacy Giles)

5/25/2016: Document held in "Legal Documents for Signature Folder" in Stacy's cubicle for Director of RMA for signature and notary (Stacy Giles)

5/24/2016: Document forwarded to County Counsel for signature (Stacy Giles)

4/18/2016: Agent contacted that document is now ready for signature and documents will be left up front in customer pick-up at the reception counter under "Phillips, Cody" (Stacy Giles)

4/14/2016: Documents submitted to County Counsel for review (Stacy Giles)

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4/5/2016: Contacted Agent requesting Grant Deed (Stacy Giles)

4. PB – SLOPE RESTORATION

Current Status: **Not Met**

Responsible Department: Planning Department

**Condition/Mitigation
Monitoring Measure:**

A Slope Restoration and Erosion Control Plan shall be prepared by the consulting engineer to mitigate short-term impacts from construction of main access road and the long-term impacts on the stability of all disturbed slopes. The plan shall be incorporated into the project plans and specifications. The plan shall contain the following:

- a) Appropriate erosion control measure to protect bare soil areas and slopes within the project site during the duration of the project. Cut slopes shall not exceed 1 1/2 to 1 except as specifically approved. Slope rounding shall be a minimum of 10 feet by 10 feet to include replacement of top soil.
- b) A Revegetation and Landscaping Plan for the restoration of all bare road shoulders, reconfigured slopes along the road alignment and any other areas disturbed as a result of the construction of the project. The plan shall be prepared by a consulting biologist and shall contain a planting palette of appropriate native plants and grasses to be used, success criteria, and contingency planning if those criteria are not met. The plan shall also include a monitoring schedule for a minimum period of three years. A plan review fee in effect at the time of submittal shall be paid. All revegetation/landscaping plant material shall be installed prior to issuance of a final grading permit. (RMA - Planning)

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

Prior to issuance of grading permit for construction of the road, the Applicant shall submit a slope restoration and erosion control plan as part of the grading permit application for construction of the main access road.

Comments By Staff

Last Update on:

Updated By:

3/2/2016 2:22:00PM

MACKD

Condition Compliance Status Report for PLN150751

5. PBD008 – CONSERVATION EASEMENT (AREAS OF BIOLOGICAL SIGNIFICANCE)

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: A conservation easement shall be conveyed to the County over those portions of Lot Nos. 1 and 12 containing areas of Nassella Grassland; and over the portion of Lot No. 5 containing a Redwood stand. An easement deed shall be prepared for the individual lots describing the area covered by the easements and containing specific provisions to guarantee their long-term maintenance. The deeds shall be submitted to and approved by the Director of RMA - Planning. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to recordation of the Final Map, the Applicant shall submit conservation easement deeds for individual lots to RMA - Planning for review and approval.

Comments By Staff

Last Update on:

Updated By:

3/2/2016 2:22:00PM

MACKD

6. PB – WETLAND PROTECTION

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The boundary between proposed Lot No. 1 and Open Space Parcel A shall be realigned in the area of the identified wetland so that the wetland is fully included in Parcel A. The boundary realignment shall allow for a buffer area of at least 50 feet from the wetland. In addition, the Conservation Easement Deed required for Parcel A under condition No. 5 shall contain specific provisions designed by a professional biologist for the long-term protection and maintenance of the wetland area. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to recordation of the Final Map, the Applicant shall ensure the realigned boundary between Lot No. 1 and Parcel A shall be delineated in the Final Map and approved by RMA - Planning for review and approval.

Comments By Staff

Last Update on:

Updated By:

3/2/2016 2:22:00PM

MACKD

Condition Compliance Status Report for PLN150751

7. PBD010 – EASEMENT (SLOPE PROTECTION)

Current Status: Not Met

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: A scenic and conservation easement shall be conveyed to the County over those portions of the property where slopes exceed 30 percent. A scenic and conservation easement deed shall be prepared for the individual lots and open space parcels. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to recordation of the Final Map, the Applicant shall submit scenic easement deeds for individual lots and parcels to RMA - Planning for review and approval.

Comments By Staff

Last Update on:

Updated By:

3/2/2016 2:22:00PM

MACKD

8. PBD024 – NOTE ON MAP (BIOLOGICAL REPORT)

Current Status: Not Met

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 that: "A Biological Assessment dated May 30, 2003, has been prepared on this property by Rana Creek Habitat Restoration, and is on file in the Monterey County RMA - Planning Department. The recommendations contained in said report shall be followed in all further development of this property." The note shall be located in a conspicuous location, subject to the approval of the County Surveyor. (Planning and Building Department)

Compliance or Monitoring Action to be Performed: Prior to recordation of the Final Map, the Applicant shall submit the Final Map with note to RMA - Planning for review and approval.

Comments By Staff

Last Update on:

Updated By:

3/2/2016 2:22:00PM

MACKD

Condition Compliance Status Report for PLN150751

9. PD – PROTECTION OF SPECIES OF CONCERN

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: All dusty-footed rat nests on the property shall be identified prior to construction of the main access road and prior to any development on the individual lots. Any nest to be affected by development shall be removed by hand under the supervision of a professional biologist at a time deemed appropriate by the biologist. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to issuance of the grading permit for the main road and prior to the issuance of building permits for individual lots, the Professional Biologist/Owner/Applicant shall submit a map of the proposed subdivision that identifies the locations of all dusky-footed rats and specific measures & recommendations for their removal. The map shall be prepared, signed and dated by a professional biologist.

Comments By Staff

Last Update on:

Updated By:

3/2/2016 2:22:00PM

MACKD

10. PB – REDUCED BUILDING ENVELOPES (TREE REMOVAL REDUCTION)

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: In order to further reduce the amount of oak tree removal, the proposed building envelopes for Lot Nos. 4, 5, 6, and 7 shall be revised to exclude from the Oak woodland areas located in the northern portions of these lots. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to recordation of the Final Map, the Applicant shall ensure revised building envelopes for Lot Nos. 4, 5, 6 and 7 shall be delineated on the Final Map and approved by RMA - Planning.

Comments By Staff

Last Update on:

Updated By:

3/2/2016 2:22:00PM

MACKD

Condition Compliance Status Report for PLN150751

11. PBD032 – TREE PROTECTION

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The Oak trees identified for removal in the Forest Management Plan for construction of the main access road shall be flagged prior to grading of the road and the final road alignment adjusted to the maximum extent possible to further reduce tree removal. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to recordation of the Final Map, the Applicant shall ensure trees to be flagged and grading permit to be submitted for review and approval by RMA - Planning.

Final road alignment and tree removal shall be approved prior to the recordation of the Final Map.

Comments By Staff

Last Update on:

Updated By:

3/2/2016 2:22:00PM

MACKD

12. PBD024 – NOTE ON MAP (FOREST MANAGEMENT)

Current Status: **Not Met**

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 that: "A Forest Management Plan dated February 2003, has been prepared on this property by Staub Forestry and Environmental Consulting, and is on file in the Monterey County RMA - Planning Department. The recommendations contained in said report shall be followed in all further development of this property and the newly created lots." The note shall be located in a conspicuous location, subject to the approval of the County Surveyor. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to recordation of the Final Map, the Applicant shall submit the Final Map with note to RMA - PLANNING for review and approval.

Comments By Staff

Last Update on:

Updated By:

3/2/2016 2:22:00PM

MACKD

Condition Compliance Status Report for PLN150751

13. PBD – NOTE ON MAP (COMPLIANCE WITH CARMEL VALLEY RANCH SPECIFIC PLAN)

Current Status: **Not Met**

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 that: "All development on the proposed lots must comply with all housing, circulation, open space and natural resource conservation standards of the Carmel Valley Ranch Specific Plan" (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to recordation of the Final Map, the Applicant shall submit the Final map with note to RMA - Planning for review and approval.

Comments By Staff

Last Update on:

Updated By:

3/2/2016 2:22:00PM

MACKD

14. PBD024 - NOTE ON MAP (GEOLOGIC REPORT)

Current Status: **Not Met**

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 that: "A Preliminary Geologic Investigation dated February 17, 2003 has been prepared for the project by Rogers E, Johnson & Associates, and is on file in the Monterey County RMA - Planning Department. The recommendations contained in said report shall be followed in all 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 the Final Map, the Applicant shall submit the Final Map with note to RMA - PLANNING and Public Works for review and approval.

Comments By Staff

Last Update on:

Updated By:

3/2/2016 2:22:00PM

MACKD

Condition Compliance Status Report for PLN150751

15. PBD024 – NOTE ON MAP (GEOTECHNICAL REPORT)

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: A note shall be placed on the final map or a separate sheet of paper to be recorded with the final map stating that: "A Preliminary Geotechnical Report dated February 2003, has been prepared on this property by Haro, Kasunich and Associates, Inc., and is on file in the Monterey County RMA - Planning Department. The recommendations contained in said report shall be followed in all further development of this property." The note shall be located in a conspicuous location, subject to the approval of the County Surveyor. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to recordation of the Final Map, the Applicant shall submit the Final Map with note to RMA - Planning and Public Works for review and approval.

Comments By Staff

Last Update on:

Updated By:

3/2/2016 2:22:00PM

MACKD

16. PBD – GEOLOGIC HAZARDS

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The proposed building envelope on Lot No. 5 shall be revised to exclude the Debris Fan area identified in the Preliminary Geologic Investigation prepared for the project and dated February 17, 2003. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to recordation of the Final Map the Applicant shall ensure the revised building envelope for Lot No. 5 shall be delineated in the Final Map and approved by RMA - Planning.

Comments By Staff

Last Update on:

Updated By:

3/2/2016 2:22:00PM

MACKD

Condition Compliance Status Report for PLN150751

17. PB – ACCESSORY STRUCTURE DEVELOPMENT LIMITATION

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: A deed restriction shall be included in the title for each lot within the subdivision stating: "No caretaker units or senior citizen units are allowed in these lots until capacity improvements are completed on Carmel Valley Road and Highway One that would allow additional vehicular traffic from such units without further decreasing the traffic levels of service, or until the Board of Supervisors has determined that such improvements are not further necessary and additional traffic is allowed." (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to recordation of the Final Map, the Applicant shall ensure deed restriction language is submitted to and approved by RMA - Planning.

Comments By Staff

Last Update on:

Updated By:

3/2/2016 2:22:00PM

MACKD

18. PD – INCLUSIONARY HOUSING REQUIREMENTS

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall comply with the requirements of the Inclusionary Housing Ordinance as may apply to the proposed project. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to recordation of the Final Map, the Applicant shall provide evidence of compliance from the Environmental Resources Policy Division.

Comments By Staff

Last Update on:

Updated By:

3/2/2016 2:22:00PM

MACKD

19. PBD – FIRE DISTRICT COMPLIANCE

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The subdivider shall provide evidence that the final map complies with the requirements of Ordinance 3600 and other requirements related to the provision of water storage, fire breaks, green belts and defensible space and that the proposed access road complies with accessibility requirements of the Carmel Valley Fire Protection District. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to recordation of the Final Map, the Applicant shall provide evidence of compliance from the Carmel Valley Fire Protection District.

Comments By Staff

Last Update on:

Updated By:

3/2/2016 2:22:00PM

MACKD

Condition Compliance Status Report for PLN150751

20. PBD033 – UTILITIES – SUBDIVISION

Current Status: **Not Met**

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 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 recordation of the Final Map. The note shall be located in a conspicuous location, subject to the approval of the Director of Public Works. (RMA - Planning/RMA - Public Works)

Compliance or Monitoring Action to be Performed: Prior to recordation of the Final Map, the Applicant shall place the note on the map or separate sheet and submit it to RMA - PLANNING for review and approval.

Comments By Staff

Last Update on:

Updated By:

3/2/2016 2:22:00PM

MACKD

21. PBD – WATER TANK LOCATION

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The location and color of any water storage tanks required by the Carmel Valley Fire Protection District for firefighting shall be subject to all applicable zoning regulations and approved by the Director of RMA - Planning. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to recordation of the Final Map, the Applicant shall ensure that the Carmel Valley Fire Protection District determines if storage tanks are necessary and determines their location.

Comments By Staff

Last Update on:

Updated By:

3/2/2016 2:22:00PM

MACKD

Condition Compliance Status Report for PLN150751

22. PBD – PEDESTRIAN, HIKING AND BRIDLE TRAIL EASEMENT

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall offer to dedicate a 20-foot trail easement generally following the existing fire access road up to the point of intersection with the proposed subdivision road, at which point said easement shall parallel and be aligned within the proposed 50-foot subdivision road right-of-way and separated from the paved road surface. The applicant shall construct the section paralleling and within the 50-foot proposed subdivision road right-of-way to Monterey Peninsula Regional Park District Standards. Contemporaneous with this offer, the Monterey Peninsula Regional Park District shall abandon the exacted and dedicated easement of 1976. The Monterey Peninsula Regional Park District shall provide written evidence that the Final Map contains the full length and delineation of the proposed new public pedestrian, hiking and bridle trail on the property over which the District has operation and access rights. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to recordation of the Final Map, the Applicant shall submit written evidence in the form of a letter from the Park District stating that the District has reviewed the Final Map and that the Map contains the full length and delineation of the proposed new pedestrian, hiking and bridle trail.

Comments By Staff

Last Update on:

Updated By:

3/2/2016 2:22:00PM

MACKD

23. PBD024 – NOTE ON MAP (CONSTRUCTION OUTSIDE BUILDING ENVELOPES)

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: A note shall be placed on the final map or a separate sheet to be recorded to with the final map stating that: "No grading, structure or road development (except in accordance with the recorded subdivision map), animal grazing, vegetation removal (except as required by the Fire District and approved by RMA - Planning), or other activities may take place outside of the designated building envelopes in the lots within the subdivision that may result in environmental impacts." This note shall also be included on all improvement plans and permits. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to recordation of the Final Map, the Applicant shall submit the Final Map with note to RMA - PLANNING for review and approval.

Comments By Staff

Last Update on:

Updated By:

3/2/2016 2:22:00PM

MACKD

Condition Compliance Status Report for PLN150751

24. PBD – COMPLIANCE WITH REQUIREMENTS OF CV RANCH SPECIFIC PLAN

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The Final Map shall include all easements and rights-of-way required as part of the original approval of the Carmel Valley Ranch Specific Plan for the area designated as the Land Reserve Area. Any changes to these easements and rights-of-way would require amendments to the Carmel Valley Ranch Specific Plan. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to recordation of the Final Map, the Applicant shall submit the Final Map with certification from a Civil Engineer that the map contains all easements and rights-of-way to RMA - Planning for review and approval.

Comments By Staff

Last Update on:

Updated By:

3/2/2016 2:22:00PM

MACKD

25. PBD – ROAD LIGHTING PLAN

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall prepare and submit a lighting plan for the access road. The plan shall indicate the number, type, height and location of the lighting fixtures for the road. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to recordation of the Final Map, the Applicant shall prepare and submit a plan for approval by staff from RMA - Planning.

Comments By Staff

Last Update on:

Updated By:

3/2/2016 2:22:00PM

MACKD

26. PBD – SCENIC & CONSERVATION EASEMENT

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The existing 11 lots of record in the Oakshire area of the Carmel Valley Ranch shall be placed in an irrevocable scenic and conservation easement. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to recordation of the Final Map, the Applicant shall prepare and submit a scenic and conservation easement deed for each of the 11 existing lots. Deeds are to be approved by RMA - Planning and County Counsel and recorded by the applicant.

Comments By Staff

Last Update on:

Updated By:

3/2/2016 2:22:00PM

MACKD

Condition Compliance Status Report for PLN150751

27. PBD – ANNEXATION TO CAL AM

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Assessor's Parcel Number 416-522-020-000 shall be annexed into the California American Water Company (Cal Am) service area via approval of an amendment to the Cal Am Water Distribution System by the Monterey Peninsula Water Management District. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to recordation of the Final Map, the applicant shall provide proof in the form of an official memorandum from the Monterey Peninsula Water Management District that the parcel has been annexed and that the amendment to the distribution system has been approved.

Comments By Staff

Last Update on:

Updated By:

3/2/2016 2:22:00PM

MACKD

28. WR – DRAINAGE NOTE

Current Status: **Not Met**

Responsible Department: Water Resources Agency

Condition/Mitigation Monitoring Measure: A note shall be recorded on the Final Map stating that "Any future development on these parcels will require a drainage plan to be prepared by a civil engineer or architect; Parcel unable to tie into the subdivision drainage improvements will require on-site retention facilities." (Water Resources)

Compliance or Monitoring Action to be Performed: Prior to recordation of the Final Map, the Applicant shall ensure that the note is recorded on the Final Map.

Comments By Staff

Last Update on:

Updated By:

3/2/2016 2:22:00PM

MACKD

29. WR – DRAINAGE PLAN

Current Status: **Not Met**

Responsible Department: Water Resources Agency

Condition/Mitigation Monitoring Measure: A drainage plan shall be prepared by a registered civil engineer addressing on-site and off-site impacts that include road improvements and construction of stormwater detention facilities to mitigate the impact of impervious surface stormwater runoff. The detention ponds shall be fenced for public safety. (Water Resources Agency)

Compliance or Monitoring Action to be Performed: Prior to recordation of the Final Map, the Applicant shall ensure a drainage plan is prepared by a registered civil engineer.

Comments By Staff

Last Update on:

Updated By:

3/2/2016 2:22:00PM

MACKD

Condition Compliance Status Report for PLN150751

30. WR22 – HOMEOWNERS ASSOCIATION CC&R'S

Current Status: **Not Met**

Responsible Department: Water Resources Agency

Condition/Mitigation Monitoring Measure: A homeowners association shall be formed for the maintenance of roads, drainage facilities, and open spaces. The Director of Public Works, the Director of RMA - Planning, and the County Water Resources Agency shall approve documents for formation of the association. The covenants, conditions and restrictions (CC&R's) shall include provisions for a yearly report by a registered civil engineer and the monitoring of impacts of drainage and maintenance of drainage facilities. Report shall be approved by the County Water Resources Agency. (Water Resources Agency)

Compliance or Monitoring Action to be Performed: Prior to recordation of the Final Map, the Owner/Applicant shall submit the CC&R's to the Water Resources Agency for review and approval.

Comments By Staff

Last Update on:

Updated By:

3/2/2016 2:22:00PM

MACKD

31. WR23 –DRAINAGE & FLOOD CONTROL SYSTEMS AGREEMENT

Current Status: **Not Met**

Responsible Department: Water Resources Agency

Condition/Mitigation Monitoring Measure: If the homeowners association after notice and hearing fails to properly maintain, repair or operate the drainage and flood control facilities in the project, Monterey County Water Resources Agency shall be granted the right by property owners to enter any and all portions of the property to perform repairs, maintenance or improvements necessary to properly operate the drainage and flood control facilities in the project. The County Water Resources Agency shall have the right to collect the cost for said repairs, maintenance or improvements from the property owners upon their property tax bills. A hearing shall be provided by the Board of Supervisors as to the appropriateness of the cost. An agreement to this effect shall be entered into concurrent with the filing the final map of the first phase of the subdivision. (Water Resources Agency)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall record the Agreement concurrently with the Final Map and submit the signed and notarized original Agreement to the Water Resources Agency for review and approval. (A copy of the County's standard agreement can be obtained at the Water Resources Agency)

Comments By Staff

Last Update on:

Updated By:

3/2/2016 2:22:00PM

MACKD

Condition Compliance Status Report for PLN150751

32. WR32 – NOTICE OF WATER CONSERVATION REQUIREMENTS

Current Status: **Not Met**

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 of the completed notice shall be provided to the Water Resources Agency for approval. (Water Resources Agency)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall record a notice concurrent with the recordation of the Final Map and submit it 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).

Comments By Staff

Last Update on:

Updated By:

3/2/2016 2:22:00PM

MACKD

33. WR33 – LANDSCAPING REQUIREMENTS

Current Status: **Not Met**

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 of the completed notice shall be provided to the Water Resources Agency for approval. (Water Resources Agency)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall record the notice concurrently with the final map and submit the recorded notice 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.)

Comments By Staff

Last Update on:

Updated By:

3/2/2016 2:22:00PM

MACKD

Condition Compliance Status Report for PLN150751

34. WR – WATER USE INFORMATION

Current Status: **Not Met**

Responsible Department: Water Resources Agency

Condition/Mitigation Monitoring Measure: The applicant shall provide to the Water Resources Agency a water balance analysis describing the pre-development and post-development water use on property. Any proposed increase in the water use shall require the identification and implementation of mitigation measures, if feasible, by the applicant. (Water Resources Agency)

Compliance or Monitoring Action to be Performed: Prior to recordation of the Final Map, the Owner/Applicant shall provide a water balance analysis to the Water Resources Agency.

Comments By Staff

Last Update on:

Updated By:

3/2/2016 2:22:00PM

MACKD

35. WR437 – CC&R WATER CONSERVATION PROVISIONS

Current Status: **Not Met**

Responsible Department: Water Resources Agency

Condition/Mitigation Monitoring Measure: The applicant shall provide the Water Resources Agency with a copy of the subdivision Covenants, Conditions and Restrictions containing the following provisions from Monterey County Ordinance No. 3932: "All new construction shall incorporate the use of low water use plumbing fixtures including, where applicable, hot water recirculation systems; the front yards of all homes shall be landscaped at the time of constructions; low water use or drought tolerant plants shall be used together with water efficient irrigation systems; leak repair is the property owner's responsibility; vehicle and building washing shall use hoses equipped with shutoff nozzles; no potable water to be used for sidewalk washing; no water spillage into streets, curbs, and gutters; no emptying or refilling of swimming pools except for structural repairs or if required for public health regulations; no fountains unless water is recycled within the fountain." (Water Resources Agency)

Compliance or Monitoring Action to be Performed: Prior to recordation of the Final Map, the Owner/Applicant shall submit the CC&R's to the Water Resources Agency for review and approval.

Comments By Staff

Last Update on:

Updated By:

3/2/2016 2:22:00PM

MACKD

Condition Compliance Status Report for PLN150751

36. WR – COMPLETION CERTIFICATION

Current Status: **Not Met**

Responsible Department: Water Resources Agency

Condition/Mitigation Monitoring Measure: Certification that stormwater detention facilities have been constructed in accordance with approved plans shall be provided to the Water Resources Agency by a registered civil engineer or licensed contractor that constructed the facilities. (Water Resources Agency)

Compliance or Monitoring Action to be Performed: Prior to recordation of the Final Map, the Owner/Applicant shall submit certification to the Water Resources Agency.

Comments By Staff

Last Update on:

Updated By:

3/2/2016 2:22:00PM

MACKD

37. PARKS DEPARTMENT

Current Status: **Not Met**

Responsible Department: Parks Enforcement

Condition/Mitigation Monitoring Measure: The applicant shall 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. The Parks Department shall determine the fee in accordance with Section 19.12.010 (D) (Monterey County Parks)

Compliance or Monitoring Action to be Performed: Prior to recordation of the Final Map, the Applicant shall provide evidence of in-lieu fee payment.

Comments By Staff

Last Update on:

Updated By:

3/2/2016 2:22:00PM

MACKD

38. PUBLIC WORKS

Current Status: **Not Met**

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: The applicant shall file the Final Map with the Office of the County Surveyor (Public Works)

Compliance or Monitoring Action to be Performed: After recordation of the Final Map, the Applicant shall file the Final Map with the County Surveyor.

Comments By Staff

Last Update on:

Updated By:

3/2/2016 2:22:00PM

MACKD

Condition Compliance Status Report for PLN150751

39. PUBLIC WORKS

Current Status: **Not Met**

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: The subdivider shall submit three copies of the approved Tentative Map to each of the following utility companies: Pacific Gas and Electric Company and SBC. Utility companies shall submit their recommendations, if any, to the Director of Public Works for all required easements.

Compliance or Monitoring Action to be Performed: Prior to recordation of the Final Map, the Applicant shall submit copies of the approved Tentative Map to each of the utility companies.

The Applicant shall implement any changes to the map recommended by utility companies.

Comments By Staff

Last Update on:

Updated By:

3/2/2016 2:22:00PM

MACKD

40. PUBLIC WORKS

Current Status: **Not Met**

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: All natural drainage channels shall be designated on the Final Map by easements labeled "Natural Drainage Easement." (Public Works)

Compliance or Monitoring Action to be Performed: Prior to the recordation of the Final Map, the Applicant shall label natural drainage channels as "Natural Drainage Easement" on the Final Map.

Comments By Staff

Last Update on:

Updated By:

3/2/2016 2:22:00PM

MACKD

41. PUBLIC WORKS

Current Status: **Not Met**

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: The subdivider shall pay for all maintenance and operation of private roads, fire hydrants, street lights and storm drainage facilities from the time of installation until acceptance of improvements for the subdivision by the Board of Supervisors, as compelled in accordance with the 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: On an ongoing basis, the subdivider shall be responsible to maintain improvements until maintenance is assumed by another entity.

Comments By Staff

Last Update on:

Updated By:

3/2/2016 2:22:00PM

MACKD

Condition Compliance Status Report for PLN150751

42. PUBLIC WORKS

Current Status: **Not Met**

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: All streets and driveways within the subdivision shall be inspected by a registered Civil Engineer and certified as in conformance with the improvement plans. (Public Works)

Compliance or Monitoring Action to be Performed: Prior to the release of bonds, the Subdivider's Engineer shall provide inspection of improvements and certification to DPW.

Comments By Staff

Last Update on:

Updated By:

3/2/2016 2:22:00PM

MACKD

43. PUBLIC WORKS

Current Status: **Not Met**

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: Cut slopes required for road construction shall not exceed 1 1/2 to 1 except as specifically approved in concurrence with the erosion control report and as shown on the erosion control plan. Slope rounding shall be a minimum of 10 feet by 10 feet to include replacement of top soil (Also see Item A in Condition No. 12)

Compliance or Monitoring Action to be Performed: Prior to the recordation of the Final Map, the Subdivider's Engineer shall include notes on Improvement Plans which shall be approved prior to recordation.

Comments By Staff

Last Update on:

Updated By:

3/2/2016 2:22:00PM

MACKD

44. PUBLIC WORKS

Current Status: **Not Met**

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: The improvement and grading plans shall include the specific plan and implementation schedule of measures for the prevention of erosion, siltation, and dust during and immediately following construction and until erosion planting becomes established. The Director of RMA - Planning shall approve the program.

Compliance or Monitoring Action to be Performed: Prior to recordation of the Final map, the Subdivider/Engineer shall include notes on improvement and grading plans.

Comments By Staff

Last Update on:

Updated By:

3/2/2016 2:22:00PM

MACKD

Condition Compliance Status Report for PLN150751

45. PUBLIC WORKS

Current Status: **Not Met**

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: All streets and driveways shall be constructed in accordance with the typical section and local fire jurisdiction standards. All turnarounds shall have a minimum paved radius of 40 feet.

Compliance or Monitoring Action to be Performed: Prior to release of bonds, the Subdivider shall submit improvement plans prepared by his Engineer to DPW for approval. Improvements shall be bonded prior to recordation of Final Map.

Comments By Staff

Last Update on:

Updated By:

3/2/2016 2:22:00PM

MACKD

46. PUBLIC WORKS

Current Status: **Not Met**

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: The County Surveyor shall approve the location of all walkways and pathways.

Compliance or Monitoring Action to be Performed: Prior to recordation of the Final Map, the Subdivider shall submit a plan showing locations of proposed walkways and pathways.

Comments By Staff

Last Update on:

Updated By:

3/2/2016 2:22:00PM

MACKD

47. PUBLIC WORKS

Current Status: **Not Met**

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: The Director of RMA - Planning and the local fire jurisdiction shall approve internal circulation and parking.

Compliance or Monitoring Action to be Performed: Prior to recordation of the Final Map, the Subdivider shall submit a parking plan to RMA - Planning

Comments By Staff

Last Update on:

Updated By:

3/2/2016 2:22:00PM

MACKD

Condition Compliance Status Report for PLN150751

48. PUBLIC WORKS

Current Status: **Not Met**

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: The applicant shall pay the Carmel Valley Master Plan Area Traffic Mitigation Fee pursuant to Board of Supervisors Resolution No. 95-140, adopted September 12, 1995 (Fees are updated annually based on CCI)

Compliance or Monitoring Action to be Performed: Prior to issuance of building permits in the individual lots, the individual lot owners shall ensure the fee is paid for each lot.

Comments By Staff

Last Update on:

Updated By:

3/2/2016 2:22:00PM

MACKD

49. PUBLIC WORKS

Current Status: **Not Met**

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: The applicant shall pay to the Monterey County the project's pro rata share of the cost of future long-term operational improvements to State Highway One.

Compliance or Monitoring Action to be Performed: Prior to issuance of building permits in the individual lots, the individual lot owners shall ensure the fee is paid for each lot.

Comments By Staff

Last Update on:

Updated By:

3/2/2016 2:22:00PM

MACKD

50. PUBLIC WORKS

Current Status: **Not Met**

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: The applicant shall pay to the Monterey County the project's pro rata share of the cost of future short-term operational improvements to State Highway One.

Compliance or Monitoring Action to be Performed: Prior to issuance of building permits in the individual lots, the individual lot owners shall ensure the fee is paid for each lot.

Comments By Staff

Last Update on:

Updated By:

3/2/2016 2:22:00PM

MACKD

Condition Compliance Status Report for PLN150751

51. EH25 – INSTALL/BOND SEWER SYSTEM IMPROVEMENTS

Current Status: **Not Met**

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: The developer shall install the sewer system improvements to and within the subdivision and any appurtenances needed or shall enter into a Subdivision Improvement Agreement with the County to install the sewer system improvements and provide security guaranteeing the performance of the Agreement.
(Environmental Health)

Compliance or Monitoring Action to be Performed: Prior to filing the Final Map, the Owner/Applicant shall submit evidence to the Division of Environmental Health that the sewer system improvement installation has been accepted by the regulating agency or that the developer has entered into a Subdivision Improvement Agreement and has provided security acceptable to the County.

Comments By Staff

Last Update on:

Updated By:

3/2/2016 2:22:00PM

MACKD

52. EH5 – INSTALL/BOND WATER SYSTEM IMPROVEMENTS

Current Status: **Not Met**

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: The developer shall install the water system improvements to and within the subdivision and any appurtenances needed or shall enter into a Subdivision Improvement Agreement with the County to install the water system improvements and provide security guaranteeing the performance of the agreement.
(Environmental Health)

Compliance or Monitoring Action to be Performed: Prior to filing the Final Map, the CA Licensed Engineer/Owner/Applicant shall ensure that the developer installs the water system improvements to and within the subdivision and any appurtenances needed or shall enter into a Subdivision Improvement Agreement with the County to install the water system improvements and provide security guaranteeing the performance of the Agreement.

Comments By Staff

Last Update on:

Updated By:

3/2/2016 2:22:00PM

MACKD

Condition Compliance Status Report for PLN150751

53. EH3 – WATER SYSTEM IMPROVEMENTS (STATE PERMITTED SYSTEM)

Current Status: **Not Met**

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Design the water system improvements to meet the standards as found in Titles 17 and 22 of the California Code of Regulations and as found in the Residential Subdivision Water Supply Standards. (Environmental Health)

Compliance or Monitoring Action to be Performed: Prior to filing the Final Map, the CA Licensed Engineer/Owner/Applicant shall submit engineered plans to _____ for review and approval. Submit evidence to the Director of Environmental Health that the proposed water system improvements have been approved by _____ prior to installing or bonding the improvements.

Comments By Staff

Last Update on:

Updated By:

3/2/2016 2:22:00PM

MACKD

54. EH27 – SEWER SYSTEM IMPROVEMENTS

Current Status: **Not Met**

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Engineered plans for the sewage disposal system including all necessary redundancies shall be submitted to and approved by the appropriate sewer service district. (Environmental Health)

Compliance or Monitoring Action to be Performed: Prior to filing the Final Map, the Owner/Applicant shall submit written verification to the Division of Environmental Health that plans have been reviewed and approved.

Comments By Staff

Last Update on:

Updated By:

3/2/2016 2:22:00PM

MACKD

55. EH24 – SEWER SERVICE CAN/WILL SERVE

Current Status: **Not Met**

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Provide certification to the Division of Environmental Health that California American Water Company can and will provide sewer service for the proposed property/project. (Environmental Health)

Compliance or Monitoring Action to be Performed: Prior to filing the Final Map, the Owner/Applicant shall submit certification to Environmental Health for review and approval.

Comments By Staff

Last Update on:

Updated By:

3/2/2016 2:22:00PM

MACKD

Condition Compliance Status Report for PLN150751

56. PBD – AIR POLLUTION (FUGITIVE DUST MEASURES)

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The following set of measures shall be implemented during development to reduce impacts of fugitive dust from construction activities:

- Limit grading to 8.1 acres per day, and grading and excavation to 2.2 acres per day
- Water graded/excavated areas at least twice daily. Frequency should be based on the type of operations, soil and wind exposure.
- Prohibit all grading activities during periods of high wind (over 15 mph)
- Apply chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days)
- Apply non-toxic binders (e.g., latex acrylic copolymer) to exposed areas after cut and fill operations, and hydro-seed area.
- Haul trucks shall maintain at least 2'0" of freeboard.
- Plant tree windbreaks on the windward perimeter of construction projects if adjacent to open land.
- Plant vegetative ground cover in disturbed areas as soon as possible.
- Cover inactive storage piles.
- Install wheel washers at the entrance to construction sites for all exiting trucks.
- Pave all roads at construction sites, as practicable.

Impacts of Diesel Exhaust during Grading and Construction:

Please contact the District to determine if a diesel risk assessment should be done for the project.

Compliance or Monitoring Action to be Performed: Prior to issuance of grading permits and throughout the duration of grading, the Applicant shall include notes on the grading plans stating the requirements of the Air Pollution Control District and implement the measures during grading activities.

Comments By Staff

Last Update on:

Updated By:

3/2/2016 2:22:00PM

MACKD

57. EH6 – WATER SERVICE CAN/WILL SERVE

Current Status: **Not Met**

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Provide to the Division of Environmental Health written certification, and any necessary certification from State agencies, that California American Water Company can and will supply sufficient water flow and pressure to comply with both Health and fire flow standards. (Environmental Health)

Compliance or Monitoring Action to be Performed: Prior to filing the Final Map the CA Licensed Engineer/Owner/Applicant shall submit written certification to the Division of Environmental health for review and approval.

Comments By Staff

Last Update on:

Updated By:

3/2/2016 2:22:00PM

MACKD

Condition Compliance Status Report for PLN150751

58. MITIGATION MEASURE #1

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The final delineation of the building envelope for proposed Lot No. 2 shall be staked, viewed and agreed upon by staff from the Planning and Building Department. If determined necessary by staff, the building envelope shall be revised to avoid any future ridgeline development on the lot or any development that would result in significant visibility and visual impacts to public viewing areas. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to recordation of the Final Map, the Applicant shall revise the Final Map per direction from staff if necessary.

Comments By Staff

Last Update on:

Updated By:

3/2/2016 2:22:00PM

MACKD

59. MITIGATION MEASURE #2

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The proposed building envelopes on Lot Nos. 3, 7 & 8 shall be revised to match the "geologically suitable building envelope" areas designated for those lots in Plate No. 1 of the Preliminary Geologic Investigation prepared by Roger E. Johnson & Associates, dated February 17, 2003. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to recordation of the Final Map, the Applicant shall ensure that the Final Map is revised to reflect "geologically suitable building envelope" as building envelopes.

Comments By Staff

Last Update on:

Updated By:

3/2/2016 2:22:00PM

MACKD

Condition Compliance Status Report for PLN150751

60. MITIGATION MEASURE #3

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The proposed building envelopes on Lot Nos. 1, 2, 4, 6, 9, 10, 11 & 12 shall be revised to provide a 100-foot setback from all areas containing areas with slopes greater than 305. Where such setback cannot be provided to allow for a reasonable building area, a detailed design-level geologic/geotechnical investigation shall be prepared for each of these lots by the respective property owners, addressing the specific lot issues contained in the preliminary Geologic Investigation prepared for the project, and containing specific recommendation for foundation design, soil treatment and stormwater runoff dispersion. If the detailed design-level geologic/geotechnical investigation concludes that development within these 100-foot setbacks is unfeasible or constraints unmitigable, the lot layout or proposed building envelopes shall be revised to provide building areas where development is feasible. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Before recordation of the Final map, the Applicant shall ensure:
1. Building envelope areas to be revised provide a 100-foot setback where possible
2. Where a setback cannot be provided, a lot-specific geologic/geotechnical investigation is to be prepared, per the preliminary Geologic Investigation.

Comments By Staff

Last Update on:

Updated By:

3/2/2016 2:22:00PM

MACKD

MONTEREY COUNTY RESOURCE MANAGEMENT AGENCY

Carl P. Holm, AICP, Director

Building Services / Environmental Services / Planning Services / Public Works & Facilities
168 W. Alisal Street, 2nd Floor
Salinas, California 93901
(831)755-4800
www.co.monterey.ca.us/rma



February 22, 2018

Violation Needs To Be Corrected By: March 24, 2018

CVR HSGE LLC
1 Old Ranch Road
Carmel Valley, CA 93923

ADMINISTRATIVE CITATION

Violation Location: 1 Old Ranch Road
APN: 416-522-020-000
Zoning: MDR/B-6-D-S (RAZ) (CVR Specific Plan) Land Reserve
Case Number: 18CE00047
Assigned: Ramon Montano

This Administrative Citation and Notice of Intent to Record a Notice of Violation has been issued pursuant to the inspection conducted on **January 12, 2018**, which identified the following violations:

Description of potential Violation(s):

- *Unpermitted Accessory structures*
- *Unpermitted grading exceeding 100 cubic yards*

Violation of Monterey County Code (MCC) Section(s):

MCC Title 21, Chapter 21.12 - REGULATIONS FOR MEDIUM DENSITY RESIDENTIAL ZONING DISTRICTS OR "MDR" DISTRICTS

Section 21.12.050 - Uses allowed—Use permit required in each case (Chapter 21.74).

- O. Accessory structures and accessory uses prior to establishment of main use or structure (ZA);

MCC Title 21, Chapter 21.44 - REGULATIONS FOR DESIGN CONTROL ZONING DISTRICTS OR "D" DISTRICTS.

Section 21.44.030 _ Application for Design Approval.

- A. A Design Approval Application shall be submitted and approved prior to the issuance of building permits for the construction of any structures in the "D" District.

MCC Title 21, Chapter 21.45 – REGULATIONS FOR SITE PLAN REVIEW ZONING DISTRICTS OR "S" DISTRICTS

Section 21.45.020 - Applicability.

- A. The provisions of this Chapter shall apply in all districts which are combined with the "S" District in addition to the regulations specified for that district, and shall be subject to the provisions of Chapter 21.62. If the regulations specified in this Chapter differ from the regulations of the district combined with the "S" District, the provisions of this Chapter shall apply.
- B. This Chapter shall apply only to those areas of the County of Monterey in which sensitive natural resources or unusual site constraints exist which require review of the location of development.

MCC Title 18 Section 18.01.070. – VIOLATIONS:

Section 114

- A. Compliance with building standards. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment or perform any grading work regulated by this Chapter, or cause same to be done, in conflict with or in violation of any of the provisions of this Chapter.
- B. Compliance with permit requirements. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment or perform any grading work regulated by this Chapter, or cause same to be done without first obtaining a permit from the Building Official.

MCC Section 18.00.010 - COMPLIANCE WITH PROVISIONS.

It is prohibited to make any use of or to allow any use of building or structures which are not allowed under this Title. It shall be unlawful for any person, firm or corporation whether as principal agent, employee, landlord, tenant or otherwise to permit, allow or cause the setup, alteration, erection, construction, enlargement, conversion, or maintenance of any building or structure contrary to the provisions of this Title and/or to permit, allow or cause establishment, operation or maintenance of any use of the land, building or premises which is contrary to the provisions of this Title. Any person violating any provision of this Title, including the violation of any condition of a permit or variance, is guilty of a misdemeanor, unless in the discretion of the prosecution, it is charged as an infraction.

MCC Title 16.08 GRADING

Section 16.08.040 - Permit—Required—Exceptions.

No person shall do, cause, permit, aid, abet, suffer, or furnish equipment or labor for any grading without first obtaining a grading permit from the Building Official, subject to the following exceptions:

- A. Excavations. An excavation which does not exceed one hundred (100) cubic yards which is less than two feet in depth, or which does not create a cut slope greater than five feet in height and steeper than one and one-half horizontal to one vertical;

Required Corrective Action(s):

1. *Apply for and obtain all required administrative approvals and/or permits from the RMA-Planning Department required for development.*
2. *Apply for and obtain a Construction Permits for the construction of unpermitted Accessory Structures and apply for and obtain a grading permit. Or secure a demolition permit and grading permit to restore the property to its original condition within 90 days of the expiration of this notice.*

Diligently pursue all actions necessary to correct the violation and obtain final inspection approval on all required permits.

Schedule a compliance inspection with assigned Code Compliance Inspector below when all corrective actions are completed.

You are hereby ordered to discontinue the code violation(s) identified in this Administrative Citation. In accordance with Section 1.22.200 of the County Code, it shall be unlawful for any responsible person to willfully fail to diligently pursue the correction of any violation identified in this Administrative Citation.

Recording of a Notice of Violation

If the violations in this notice are verified it will result in the recording of a Notice of Violation on the property in accordance with Section 1.22.035 of the County Code.

If you wish to present evidence that the violations cited does not exist or for some other reason the Notice of Violation should not be recorded, please call the Inspector assigned to your case to schedule a time to meet on the following date:

Date: March 7, 2018

Location: Government Center, 1441 Schilling Place, South 2nd Floor, Salinas

Meeting with: Ramon Montano

Administrative Costs

Any person, firm, or corporation, who creates or maintains a Code violation, shall be liable for the cost of enforcement which shall include, but not be limited to, the cost of investigation and inspection, costs to cure any violation or abate a nuisance, and costs of monitoring compliance.

Administrative Cost to date: **\$450.00**

18CE00047
February 22, 2018

Notification of Misdemeanor

Willful failure to take the necessary actions to correct any violation of the County Code is a misdemeanor.

FURTHER ENFORCEMENT ACTIONS AS REQUIRED

Chapter 1.22 provides the Enforcement Official the authority to issue a \$100.00 fine for the first violation, \$500.00 for a second violation of the same ordinance within one year; and a fine not exceeding \$1,000.00 for each additional violation of the same ordinance within one year of the first violation. **Each day that the violation remains is a separate violation subject to an additional administrative fine.** Your continued failure to correct the violation(s) by the compliance date of March 24, 2018 will result in fines in accordance with Section 1.22.100 of the County Code.

If corrective action is not taken, Administrative Fines will be imposed as follows:

A fine of \$100.00 will be imposed on **March 25, 2018;**

A fine of \$500.00 will be imposed on **March 26, 2018;**

A fine of \$1,000.00 will be imposed on **March 27, 2018;**

A fine of \$1,000.00 will be imposed on **March 28, 2018,** and for each subsequent violation for each and every day thereafter.

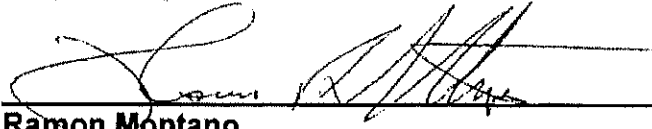
If you fail to pay the Administrative Fine within 30 days of the date the fine is assessed, you will also be charged a penalty of 10%. In addition to the late payment penalty, the Administrative Fine shall accrue interest at the rate of 1% per month, compounded monthly, exclusive of penalties, from the due date.

Payments of Administrative Fines shall be made payable to: County of Monterey, 1441 Schilling Place, 2nd floor, Salinas, CA 93901.

Payment of the fine(s) does not excuse or discharge the code violation that is subject of this Administrative Citation. No permits, licenses, or other entitlements will be issued by any County Department for the property except those necessary to abate the violation or for an emergency situation.

For procedures regarding hearings for Notices of Violations and Financial Hardship Waivers, please review Sections 1.22.040 and 1.22.120 of the County Code. If you have any further questions regarding this Administrative Citation or would like to schedule a meeting to discuss your case, please contact me at **(831) 755-5885** as soon as possible.

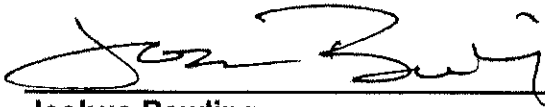
Prepared by:



Ramon Montano
Code Compliance Inspector II

2/22/18
Date

Reviewed by:



Joshua Bowling
Resource Management Agency
Interim Building Services Manager

2/22/18
Date

CC: File, Accela Automation/Documents