

# Attachment C

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**ATTACHMENT C  
DRAFT RESOLUTION**

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

**RESOLUTION NO.**

Resolution by the Monterey County Board of Supervisors to:

- 1) Deny the appeal by Leonard McIntosh from the September 30, 2020 Planning Commission decision approving an amendment to a Combined Development Permit to allow construction of a 22,137 square foot, two-story, 15-unit residential apartment building, on vacant Lot 5 of the Laguna Seca Office Park (LSOP) and approving a General Development Plan for Lots 2-7, 9, 11, 15, & 16, and portions of Lots 10 [Condominium Units 103 & 104] and 19 [Condominium Unit 002]] of the LSOP;
- 2) Certify the Board considered an Addendum together with the LSOP Final Environmental Impact Report (FEIR) in accordance with CEQA Guidelines Section 15164;
- 3) Approve a General Development Plan (GDP) covering certain lots of the LSOP [Lots 2-7, 9, 11, 15, & 16, and portions of Lots 10 (Condominium Units 103 & 104) and 19 (Condominium Unit 002)] that allows residential and/or commercial uses on any single lot, such that the cumulative total of residential square footage across all lots covered by this GDP, does not exceed the cumulative total commercial square footage across all LSOP lots; and
- 4) Approve an Amendment to a Combined Development Permit (PLN020332, PC Resolution No. 12-035) that includes a Use Permit and Design Approval to allow construction of a 22,137 square foot two-story 15-unit residential apartment building on Lot 5 of the LSOP, instead of a 20,306 square foot two-story professional office building, subject to the project satisfying the 4.9 (35%) requirement for total Affordable Units with Density Bonus accommodation as follows: 1) One (1) Very Low-Income; 2) Two (2) Moderate-Income; 3) One (1) Workforce II Income; and Waiver of 0.9 fractional unit in-lieu fee as a financial concession per Government Code Section 65915(d)(2)(A).

[PLN170765/Amendment of Combined Development Permit for Leonard H. McIntosh Family Trust (LAGUNA SECA OFFICE PARK - LOT 5) (APN 173-121-005/24491 Citation (Lot 5), and General Development Plan for APNs: 173-121-002, 173-121-003, 173-121-004, 173-121-005 (Lot 5), 173-121-023, & 173-121-026, 173-121-009, 173-121-011, 173-121-015, 173-121-016, 173-123-001, 173-123-003, 173-123-006, & 173-124-001), Greater Monterey Peninsula Area Plan]

The appeal by applicant Leonard McIntosh from the Planning Commission's consideration of the Addendum to the Laguna Seca Office Park FEIR, and approval of the Laguna Seca Office Park General Development Plan and Amendment to Combined Development Permit (PLN020332, PC Resolution No. 12-035) to allow construction of a 15-unit apartment building, came on for public hearing before the Monterey County Board of Supervisors on February 23, 2021, as continued from February 9, 2021. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Monterey County Board of Supervisors hereby finds and decides as follows:

### **FINDINGS**

1. **FINDING:** **CONSISTENCY** – The project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.  
**EVIDENCE:**
  - a) The project includes a General Development Plan (GDP) and an amendment to a previously approved Combined Development Permit (McIntosh/PLN020332) to allow development of a 15-unit residential apartment building (approx. 22,000 sf), instead of a previously approved commercial office building, on vacant Lot 5 of the Laguna Seca Office Park (LSOP). LSOP lots whose owners agreed to and are covered under the GDP, would be allowed residential and/or commercial uses on any single lot, such that the cumulative total of residential square footage across all lots covered by this GDP, does not exceed the cumulative total commercial square footage across the entire LSOP. Accordingly, the General Development Permit approved herein is applicable to Lots 2-7, 9, 11, 15, & 16, and portions of Lots 10 and 19 of the LSOP (APNs: 173-121-002, 173-121-003, 173-121-004, 173-121-005 (Lot 5), 173-121-023, & 173-121-026, 173-121-009, 173-121-011, 173-121-015, 173-121-016, 173-123-001, 173-123-003, 173-123-006, & 173-124-001).
  - b) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in the:
    - *2010 General Plan*;
    - *Greater Monterey Peninsula Area Plan*;
    - *Monterey County Zoning Ordinance (Title 21)*.No conflicts were found to exist.
  - c) Nineteen properties are located at Laguna Seca Office Park (LSOP), and the 1.924-acre Lot 5 is located at 24491 Citation Court, Monterey, Greater Monterey Peninsula Area Plan, zoned "VO-B-6-UR-D-S" (Visitor Serving/Professional Office with Building Site, Urban Reserve, Design Control, and Site Plan Review Overlays). Residential use is allowed within the VO zone provided the gross square footage of the residential use does not exceed the gross square footage of the commercial use, and subject to review and approval of a Use Permit (Section 21.22.060 of Title 21). A General Development Plan (GDP) is required if there is no prior approved GDP in the VO zone and a qualifying factor is applicable (Section 21.22.030 of Title 21). The LSOP was approved in 1983 prior to this



requirement. Therefore, a GDP for the LSOP does not exist and development of each parcel in the LSOP has been required to propose a GDP as part of each project application. Compliance with Section 21.22.060 of Title 21 is as follows:

- Lots 9, 11, 15, & 16, and portions of Lots 10 (Units 103 & 104) and 19 (Unit 002) are currently developed with a total of 61,578 square feet of commercial space. Lots 2 through 7 are undeveloped vacant lots. None of the currently developed Lots include residential use. Therefore, the LSOP GDP approved by this action cumulates total potential residential use across Lots 2-7, 9, 11, 15, & 16, and portions of Lots 10 and 19, which are those properties for which owners have agreed to this GDP.
  - The GDP proposes residential buildout of 82,849 square feet which is the same amount of square footage of existing commercial development covered by the GDP. Therefore, the residential gross square footage would not exceed the gross square footage of commercial development in the LSOP nor would it exceed 260,000 square feet total of combined residential/non-residential development as contemplated in the LSOP FEIR.
  - Lots 1 and 8-19 are developed entirely with commercial/office use (152,978 square feet total) and no residential use. Thus far, the GDP reflects written permission from some property owners within the office park for 82,849 square feet of residential potential. If the amendment to the permit on Lot 5 is approved, 22,137 square feet will be deducted from the 82,849 square feet for a remaining 60,712 square feet of residential development potential on the lots covered by the GDP. This 60,712 square feet may be still be increased by 47,310 square feet to stay within the 107,022 square feet threshold of residential development throughout the LSOP, subject to both obtaining written permission from additional property owners and County approval of an Amendment to the GDP.
- d) An Environmental Impact Report (EIR) was prepared and certified for the Laguna Seca Office Park. The LSOP EIR contained a buildout assumption of 260,000 square feet of commercial space. As such, the General Development Plan is limited to a total square footage (commercial or residential) of 260,000 square feet. The amount of residential square footage allowed is also not permitted to exceed the total commercial square footage existing and proposed over Lots 2-7, 9, 11, 15, & 16, and portions of Lots 10 (Condominium Units 103 & 104) and 19 (Condominium Unit 002), currently 103,155 square feet. Given these parameters, there shall be no more 103,155 square feet of residential development over Lots 2-7, 9, 11, 15, & 16, and portions of Lots 10 and 19. The proposed GDP reflects this limit. Further, the GDP reflects the ability of Lots 1, 8, 12, 13, 14, 17, 18, and portions of 10 & 19 to pursue adding residential square footage to the existing commercial square footage (Owners of these lots have not given written agreement for a transfer

of residential potential and are not subject to the GDP), while owners of Lots 2-7, 9, 11, 15, 16, and portions of 10 & 19 have provided written authorization to transfer residential development potential as outlined in the GDP. Agreement with the GDP signifies a parcel owner gives over potential residential development square footage on said parcel to the pool of residential square footage that would be allowed over Lots 2-7, 9, 11, 15, & 16, and portions of Lots 10 & 19. The attached General Development Plan respects the will of each property owner in the office park with respect to the potential for future residential use and allows for additional transfer of residential potential, subject to both obtaining written permission from additional property owners and County approval of an Amendment to the GDP.

- e) In the 2012 approval of the Combined Development Permit (CDP) by the Planning Commission (PC Resolution No. 12-035, Attachment D2 of the staff report), the entitlement includes issuance of a Use Permit for the removal of 43 oaks from Lot 5. At the time of issuance, seven trees less than 6 inches in diameter, and 36 protected trees 6 inches or more in diameter would be removed. This revision to the previously approved development proposes removal of the same number of trees (43). Condition No. 5 requires that prior to grading or construction permits, the adopted 2011 Forest Management Plan (FMP) prepared by Roy Webster (LIB110397, Attachment J4 of the staff report) be updated to identify the precise 43 trees to be removed. The findings and analysis contained in Resolution Number 12-035 with respect to tree removal are hereby incorporated by reference in this resolution and will not change as a result of the proposed amendment. The project is subject to further discretionary review if the updated FMP identifies more than 36 protected trees for removal.
- f) The LSOP is subject to the Design Control Zoning District ("D" overlay), which regulates the location, size, configuration, materials, and colors of structures and fences to assure the protection of neighborhood character (Section 21.44 of Title 21). The Lot 5 apartment building proposal includes colors and materials that are compatible with both the natural and built surroundings. Landscaping includes Coast live oaks, large non-invasive screening shrubs, and native vegetation in aesthetic sympathy with the rural setting. Location and configuration of the proposed building is the same as those previously approved on the site, and bulk and mass proposed for the apartment building (two stories, 22,137 square feet) are marginally different than those previously approved (PC Resolution No. 12-035) for the professional office building (two stories, 20,306 square feet). This Amendment issues a Design Approval that supersedes that contained in Combined Development Permit (PLN020332, PC Resolution No. 12-035).
- g) The following entitlements are retained in the previously issued CDP (PLN020332, PC Resolution No. 12-035): Use Permit to allow removal of 43 Coast live oak trees and Administrative Permit to allow development in the Site Plan ("S") zoning district.
- h) Conditions of approval for this Amendment supersede conditions of

approval for the previously issued CDP (PLN020332, PC Resolution No. 12-035) with application of Condition Nos. 6 and 21-25, incorporated herein, as carried over from the previous approval.

- i) *2010 General Plan* Policy LU-1.19 provides for a Development Evaluation System (DES) for developments of five or more lots or units in non-coastal areas of unincorporated County outside of Community Areas, Rural Centers, and Affordable Housing Overlay Districts. This project would result in 15 new units outside of those designated growth areas. Therefore, this project is subject to DES analysis. Pending adoption of a program implementing the DES, the County has been implementing the DES through application of the criteria in LU-1.19. Accordingly, a qualitative analysis has been completed for this project based on the Policy LU-1.19 criteria, and the project is consistent with Policy LU-1.19, as explained below in Finding 5.
- j) The project is required to comply with inclusionary housing requirements. The DES (Policy LU-1.19) requires a minimum 35 percent of the units in the development be restricted to specified affordability levels (25% inclusionary and 10% Workforce). Given that the applicant seeks an alternative housing affordability rate and program, staff referred the matter to the Housing Advisory Committee (HAC). On August 26, 2020, the HAC reviewed the project for a recommendation to the Planning Commission. After weighing the applicant's *pro forma* calculations and the options for housing affordability provision, the HAC voted unanimously to recommend the applicant provide onsite units affordable to the following households:
  - (1) Very Low-Income,
  - (2) Moderate Income, and
  - (1) Workforce IISee Finding 6.
- k) On September 30, 2020, the Planning Commission adopted a resolution to consider the Addendum along with the LSOP Final Environmental Impact Report (FEIR), approve the General Development Plan to allow residential and/or commercial uses on specified lots, and approve an amendment to the previously approved Combined Development Permit to allow a 15-unit residential apartment building instead of a commercial office structure on Lot 5 of the LSOP, with an effective 28.57% (4.9 inclusionary units) affordability requirement (4 units onsite and waive the 0.9 fractional unit). Condition No. 2 requires the applicant/owner record the Permit Approval Notice to include the APNs and legal descriptions of each affected lot.
- l) Leonard McIntosh, applicant, represented by attorney Anthony Lombardo, timely filed an appeal to the Board of Supervisors from the September 30, 2020 decision of the Planning Commission. Monterey County Code requires appeals be brought to hearing before the Board of Supervisors within 60 days of filing (by December 24, 2020), unless both applicant and appellant agree to waive that deadline. In this case, the appellant is also the applicant, and agreed on November 2, 2020, to waive the 60-day deadline and

agreed to hearing date of February 2, 2021. Thereafter, due to a noticing issue, the applicant agreed to the hearing date of February 9, 2021. The project is subject to a *de novo* hearing.

- m) Staff brought the duly noticed hearing before the Board of Supervisors on February 9, 2021. At least 10 days prior to the public hearing before the Board of Supervisors, notices were published in the *Monterey County Weekly* and were posted on and near the property and mailed to the property owners within 300 feet of the subject property as well as interested parties.
- n) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development found in Project File PLN170765; documents associated with the Board of Supervisors' hearing on the appeal on file with the Clerk of the Board.

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

**EVIDENCE:** a) The project was reviewed for site suitability by the following departments and agencies: HCD-Planning, HCD-Environmental Services, Monterey County Regional Fire District (RFD), Public Works, Facilities, and Parks (PWFP), Environmental Health Bureau (EHB), Monterey County Sheriff's Office, and City of Monterey. There has been no indication from these departments/agencies the site is not suitable for the proposed development. Conditions recommended have been incorporated.

- b) The following technical reports were prepared:
  - Trip Generation Study (LIB190165) dated 12 February 2018 prepared by Keith B. Higgins, P.E., T.E., Gilroy, California.
  - Geotechnical and Infiltration Investigation (LIB180115) dated 23 February 2018 prepared by Belinda A. Taluban, P.E. and Michelle Garcia, C.E.G., Salinas, California.
  - Drainage Report Update (LIB180117) dated 2 February 2018 prepared by Bestor Engineers, Inc., Monterey, California.
  - Traffic Study Update (LIB200010) dated 25 September 2019 prepared by Keith B. Higgins, P.E., T.E., Gilroy, California.

Upon independent review, staff concurs with conclusions of the reports. There are no physical or environmental constraints that would indicate the site is not suitable for the use proposed.

- c) The Geotechnical and Infiltration Investigation (LIB180115) concludes the soil conditions would be suitable and stable with implementation of report recommendations for recompaction of loose soil, and drainage and erosion control measures, especially the use of energy dissipaters. The project is conditioned to provide certification from the licensed geotechnical practitioner of report recommendations incorporated appropriately into the approved grading and stormwater control plans (Condition No. 9). As conditioned, the site would be geotechnically suitable for the proposed development.
- d) The site is located within an airport approach area (Zone 4) for the Monterey Regional Airport under the 2019 Airport Land Use Compatibility Plan for the Monterey Regional Airport (ALUCP).

The Airport Land Use Commission (ALUC) voted not to make a recommendation on this project because of ambiguity as to whether the project application was subject to the 2019 ALUCP or the 1987 Comprehensive Land Use Plan (CLUP). The density of the project would not be allowable under the 2019 ALUCP, but because reasonable minds could differ as to whether the 2019 ALUCP applied, the ALUC did not reach a decision and the project was deemed consistent with the applicable Airport Land Use Compatibility Plan by operation of law. (ALUC Resolution No. 19-008, 30 May 2019). Monterey Regional Airport is approximately 1.5 miles from the LSOP. Notwithstanding the final vote by the ALUC to not make a consistency determination of the proposed project with either the 1987 CLUP or the 2019 ALUCP, the Zone 4 incorporation of the LSOP is fully disclosed and Condition No. 17 requires recordation of a deed restriction that all rental agreements state clearly the circumstances of airport proximity and potential hazards for residents within Zone 4.

- e) The proposed General Development Plan and Combined Development Permit Amendment to the permit on Lot 5 would create multi-family housing opportunities proximate to a major employment center.
- f) Staff conducted a site inspection on 4 April 2018 to verify the site is suitable for this use.
- g) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development found in Project File PLN170765.

3. **FINDING:** **HEALTH AND SAFETY** - The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

- EVIDENCE:**
- a) The project was reviewed by the HCD-Planning, Monterey County Regional Fire District (RFD), HCD-Environmental Services, Public Works, Facilities, and Parks (PWFP), Environmental Health Bureau (EHB), Monterey County Sheriff's Office, and City of Monterey. The respective agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
  - b) Necessary public facilities are available. The project will be served water by California American Water through the Bishop Unit water system and sewage disposal will be provided by the Pasadera wastewater system. Development proposals on any LSOP lot, including Lot 5, are subject to provision of a Can and Will Serve letter from both the domestic water provider and the sewer service provider, prior to issuance of building permits. See Finding 5 for more detail.

- c) The Sherriff's Office provided a request for safety considerations regarding signage, alarms, lighting, landscaping, parking, and security, applied to the project as Condition No. 19.
- d) The application, plans and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development found in Project File PLN170765.

4. **FINDING:** **NO VIOLATION** – The subject property is in compliance with all rules and regulations pertaining to zoning uses and any other applicable provisions of the County's zoning ordinance. No violations exist on the property.
- a) No violations have been found to exist on the subject property. Staff made a site visit on 4 April 2018 and observed no violations at the property.
  - b) The application, plans and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development found in Project File PLN170765.

5. **FINDING:** **CONSISTENCY – DEVELOPMENT EVALUATION SYSTEM (DES):** The project is outside the targeted districts for growth which are Community Areas, Rural Centers, or Affordable Housing Overlay Districts. *2010 General Plan* Policy LU-1.19 calls for project proposals outside these targeted districts be analyzed by the Development Evaluation System (DES) to ascertain strengths and shortcomings in light of implementing policies and regulations, resources and infrastructure constraints. The project is consistent with the DES based on application of the DES criteria set forth in Policy LU-1.19.

- EVIDENCE:**
- a) Site Suitability – The project site is suitable for the use proposed. See Finding 2.
  - b) Infrastructure – The project is located in an area of the County that has established roads and services that have been implemented in anticipation of complete LSOP buildout. Infrastructure exists to support commercial use of 260,000 square feet, including street improvements, traffic signals and signage, power lines, domestic water systems, and wastewater treatment. Existing commercial buildout has reached 152,978 square feet. The project plans were provided to the MCRFD and Sherriff's Office, neither of which indicated project implementation or operations would impact services provision. Each property owner is responsible for providing professionally designed onsite stormwater management infrastructure within construction plans and to be implemented as part of development on the property. Water is available for the development and the change from previously foreseeable commercial development to residential and/or commercial use will not result in a greater demand for water since multi-family residential uses have been demonstrated to require less water per square foot than commercial uses. Traffic trip generation for the residential use would also be less than for commercial use. The Pasadera Wastewater Treatment and Recycling Facility (Facility), serving the LSOP, is operated by California-American Water

Company (Cal-Am) which received its WDR Order No. 98-58 from the state Water Board to operate the Facility on 23 October 1998. The order prohibits daily flow, averaged over each month, to not exceed 106,000 gallons of effluent. Facility effluent volumes for 2012 averaged a daily flow of approximately 43,000 gallons (*Seaside Groundwater Basin Salt & Nutrient Management Plan* prepared June 2014 for the Monterey Peninsula Water Management District). Therefore, implementation of either the GDP or the apartment building on Lot 5 would not likely generate an amount of wastewater to maximize treatment capacity of the Facility, intensify domestic water use, or cause accelerated roadway deterioration.

- c) Resource Management – Water usage for the residential/commercial development within the LSOP, as proposed in the LSOP GDP, is estimated to be less than water usage for all commercial development, as contemplated in the LSOP FEIR. Water for the development is provided by California American Water Company (Cal-Am) Bishop Unit which would provide the parcel with water from the Seaside Groundwater Basin, adjudicated as of March 27, 2006. Under the terms of the adjudication (Superior Court of the State of California in and for the County of Monterey Case No. M664343), rights to the adjudicated water source will come from connection to Bishop Unit. The adjudication describes *de minimis* production by any person or entity less than five (5) AFY is not likely to significantly contribute to material injury to or any interest related to the Seaside Groundwater Basin. The estimated water use for the Lot 5 apartments is 1.952 AFY. As it relates to the proposed General Development Plan, the total square footage of residential or commercial development in the Office Park may not exceed 107,022 square feet total (due to the 260,000 square feet buildout in the office park EIR), subject to approval of discretionary entitlements and availability of water supply for each development proposal. The CEQA addendum prepared for this project indicates that incorporation of residential use rather than commercial use for some or all of the remaining development potential would result in a water demand that is the same or less than continued commercial development. Development of each will be required to remain within the 5 acre feet per lot *de minimis* allotment in the adjudication and could be subject to future review and permitting if circumstances change.
- d) Proximity to a City, Community Area, or Rural Center – The LSOP is zoned with an Urban Reserve Overlay indicating future annexation to the incorporated City of Monterey. The westernmost boundary of the LSOP is defined by the City boundary containing Ryan Ranch. Urban services are proliferated throughout Ryan Ranch and the LSOP for seamless absorption of the LSOP within the City boundary. Additionally, the Laguna Seca Office Park and the adjacent Ryan Ranch Office Park represent a source of jobs. The proposal would add multifamily housing in proximity to the City of Monterey and to job opportunities.
- e) Mix/Balance of uses including Affordable Housing consistent with the County Affordable/Workforce Housing Incentive Program

adopted pursuant to the Monterey County Housing Element – The 2015-2023 Housing Element, adopted by the Board of Supervisors January 26, 2016 [certified by the state Housing and Community Development (HCD) 10 May 2016] showed that, in unincorporated County (as of 2012), approximately 63 percent of housing units were built prior to 1979, rental vacancy rates tended to be lower than the optimal five to six percent needed to balance housing demand and supply, and approximately five percent of renters live in overcrowded conditions. A certain number of vacant units are needed to moderate the cost of housing, allow sufficient choice for residents, and provide incentive for unit upkeep and repair. Housing choice in the area is primarily single family homes and some condominiums throughout the developments of Laguna Seca Ranch Estates 1, York School, and Laguna Seca Ranch Estates 2 for the noncommercial uses at Ryan Ranch, LSOP, and Stone Creek Plaza. Employees with jobs in and near this commercial hub do not have multi-family rental type options nearby. Implementation and operation of the project could contribute to availability of rental housing options with updated features, materials, and utilities, and increase the rental unit inventory. Policy LU-1.19 of the 2010 *General Plan* (the Development Evaluation System), requires 35% affordable housing with a mix of affordability levels (25% inclusionary and 10% Workforce). Condition No. 18 has been added to require the applicant enter into an affordable housing agreement with Monterey County pursuant to Policy LU-1.19. The Housing Advisory Committee (HAC) reviewed the project on August 26, 2020, for a recommendation on housing affordability provision within the proposed Lot 5 apartments. County Housing Office staff provided a Summary of Options to Satisfy Affordable Housing Obligations that was discussed by the HAC. The HAC voted unanimously to recommend the applicant comply with the 35% requirement, which equals 4.9 units, with the distribution of affordable units at the following levels: (1) Very Low-Income, (2) Moderate Income, and (1) Workforce II; and payment of 0.9 unit in-lieu fees. By providing at least one Very Low-Income unit, the applicant is entitled to a financial concession under state Density Bonus Law (Government Code section 65915(d)). Accordingly, whereas the fractional remaining 0.9 unit requirement (out of the 4.9 unit requirement) could be satisfied with payment of an in-lieu fee as provided in County's Inclusionary Housing Ordinance (chapter 18.40 of the MCC), the Planning Commission approved the project waiving that in-lieu fee as a financial concession/incentive for the provision of a unit affordable to a very-low income household. This incentive results in an effective 28.57% affordable contribution from the project. Because the Workforce II category (150%-180% AMI) units can be priced at nearly market rate, and an affordable unit is defined as one affordable to households of very low-, low-, or moderate-income, three (3) units could be identified technically as "inclusionary," which brings *de facto* compliance with the 35% affordability requirement to an actual 21% (3 out of 14 units), near equal to the County's Inclusionary Housing Ordinance requirement



of 20%. As another option for the Board of Supervisors, which is outlined in staff's letter to HCD, the Board could provide a further financial concession, waiving an in-lieu fee equivalent to 1.9 units. This approach would also be near equal to the County's Inclusionary Housing Ordinance requirement of 20%, with provision of three (3) units affordable to 1 Very Low-income household and 2 Moderate-income households for an actual 21% (3 out of 14 units).

- f) Environmental Impacts and Mitigation Measures – See Finding 7.
- g) Proximity to multiple modes of transportation – The LSOP is along the north side of State Route 68, a two-lane highway that connects the Salinas Valley with the Monterey Peninsula and is designated as a State Scenic Highway. A traffic light at the SR 68 and York Road intersection regulates vehicular movement for ingress/egress to and from York Road. York Road provides access to Blue Larkspur Lane to the east where paved entrance roads to the LSOP and the Laguna Seca Ranch Estates are located, and access to Wilson Road to the west where Ryan Ranch is located. A Monterey-Salinas Transit bus stop is located at the southeastern corner of York Road and Blue Larkspur Lane. Additional bus stops for access to the LSOP are located at the northern side of SR 68 at the intersection with York Road, on both sides of SR 68 easterly of the Oakvale Professional Center and westerly of Laguna Seca Ranch Estates subdivision. Buses are equipped with bicycle racks to improve upon the “last mile” issue of commuting on public transit. The Monterey Regional Airport is approximately 1.5 miles from the LSOP and provides domestic commuter and destination flights.
- h) Jobs-Housing Balance Within the Community and Between the Community and Surrounding Areas – Implementation of the GDP would make it possible for developers to provide multi-family residential opportunity in the commercially zoned LSOP. The proposed apartment building on Lot 5 would provide multi-family housing choice close to existing jobs. Commute times could be reduced for those employed in either Salinas or on the Peninsula and who do not live in a nearby single-family dwelling along SR 68.

6. **FINDING:**

**AFFORDABLE HOUSING PROVISION:** The apartment building proposal complies with County regulations, as applied in conjunction with state Density Bonus law, to provide affordable housing.

**EVIDENCE:** a) 2010 General Plan Policy LU-1.19 is subject to the DES, which sets a standard of 35% affordable/Workforce housing. The project complies by provision of three units of inclusionary housing, one unit of workforce housing, and waiver of the 0.9 fractional in-lieu fee.

- b) Chapter 18.40 of the Monterey County Code – Inclusionary Housing Pursuant to Section 18.40.060 of the Monterey County Code, residential development of five or more units or lots shall provide affordable units onsite or offsite, and may pay in-lieu fees to fulfill a fractional unit obligation. Aside from fulfilling a fractional unit obligation, a developer may qualify for payment of in-lieu fees if it can be demonstrated that specific characteristics of the development

site, such as lack of access to services, zoning which requires large lot development, or potentially high site maintenance costs, make the site unsuitable for households at the required income levels (Section 18.40.090.A.4). Therefore, the applicant elected to construct affordable units. The Inclusionary Housing Ordinance requires that 20% of the units be affordable, with 6% for very low, 6% for low and 8% for moderate income households, unless the Board of Supervisors makes specific findings justifying deviation from the requirement. (MCC Sections 18.40.050, 18.40.070, and 18.40.110.)

- c) Section 18.40.050.A of the Inclusionary Housing ordinance authorizes credit of one unit for residential development in the calculation of the 20% requirement. Therefore, ratios of affordable unit provision are calculated on one less unit than the number of units proposed. In this case, the proposed 15 units is reduced by one for the purposes of calculating the inclusionary obligation.
- d) Government Code Section 65915(d)(2)(A) accords a concession or incentive to the housing developer with provision of an inclusionary unit affordable to a Very Low-income household. Therefore, the fractional 0.9 unit obligation is waived. Application of the County's affordable housing requirement of 35%, in conjunction with the waiver of the in-lieu fee, is feasible. With the waiver of the 0.9 unit in-lieu fee as a financial concession, the percentage contribution to affordable housing is reduced from 35% to 28.57%. Crediting one unit, the 35% requirement would equal 4.9 units (35% of 14). *In lieu* of a density bonus, waiving the 0.9 fractional unit fee is proposed as a financial incentive per Government Code Section 65915(d)(2)(A). This brings the effective affordable housing contribution to 28.57%, not 35%.
- e) Housing Advisory Committee (HAC) consideration of housing affordability scenarios and the applicant's *pro forma* calculations were the basis for HAC recommendation to the Planning Commission for the applicant to provide 4.9 (35%) total Affordable Units with Density Bonus accommodation for 15 residential units with a financial concession. The *pro forma* calculations submitted by the applicant do not conclusively demonstrate that the provision of affordable housing at the recommended levels is infeasible.

As noted above in Finding 5, the Board could provide a further financial concession, waiving in-lieu fees equivalent to 1.9 units to support feasibility of the 35% affordable housing requirement. With waiver of 1.9 units in-lieu fees, the percentage contribution is an effective 21%, not 35%.

- f) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development is found in Project File PLN170765.

## 7. FINDING:

**CEQA – ADDENDUM:** An Addendum to a previously certified FEIR for the Laguna Seca Office Park (File No. 80-109, Resolution No. PC-3734) was prepared pursuant to Section 15164 of the CEQA Guidelines. The Board of Supervisors has considered the Addendum

together with the Laguna Seca FEIR. The Board finds, on the basis of substantial evidence, that some changes or additions are necessary but none of the conditions described in CEQA Guidelines Section 15162 calling for preparation of a subsequent EIR have occurred.

- EVIDENCE:**
- a) An FEIR for the Laguna Seca Office Park (LSOP EIR) was prepared and certified by the Board of Supervisors on February 22, 1983 (File No. 80-109, Board Resolution PC-3734). Mitigations applied within the certified FEIR were implemented at the time of the subdivision including infrastructure improvements, road improvements, and open space easements. An Addendum to the LSOP FEIR was considered by the Planning Commission on August 29, 2012 in association with a prior proposal and issuance of a Combined Development Permit for development of Lot 5 of the LSOP (Planning Commission Resolution No. 12-035).
  - b) The 2012 Initial Study (IS) prepared for a commercial building proposal on Lot 5 tiered from analysis of the previously certified FEIR and was circulated in accordance with Section 15152 of the CEQA Guidelines. Analysis in the IS showed that, despite changes in circumstances that have occurred since 1984, implementation and operation of the office building on Lot 5 would cause no significant effects on the environment that had not been examined in the FEIR, would not increase the severity of previously examined significant effects, and did not identify mitigation measures or alternatives that were either newly feasible or considerably different from those analyzed in the FEIR. The Tiered IS was considered as an Addendum with the project proposal for a professional office building on Lot 5 (Planning Commission Resolution No. 12-035).
  - c) In accordance with Section 15164 of the CEQA Guidelines, preparation of a subsequent EIR or negative declaration is not required if some changes or additions to the project are necessary, but none of the conditions described in Section 15162 have occurred that would require major revisions to the prior FEIR.
  - d) The proposed GDP concentrating residential use in the LSOP is a change in the project. However, this change in the project will not introduce significant new impacts or substantially increase the severity of impacts from what was previously analyzed in the LSOP FEIR (as amended to in the addendum prepared for the previously approved office building). As described in Evidence b) above, changes in circumstances overtime did not result in in new or more severe impacts. The change in the project from commercial office space to a 15 unit residential apartment building has also been found to be consistent with the level of impacts considered in the previously certified EIR. Commercial buildout within the LSOP has reached 152,978 square feet, and together with the GDP proposal of 107,022 square feet of residential use, total development in the LSOP would not exceed 260,000 square feet contemplated in the LSOP EIR. Evidence has been submitted as Attachments J3 and J5 to the staff report, indicating that the residential project is less intensive from a traffic perspective which results is less severe impacts from what was originally analyzed in the LSOP FEIR. Other potentially affected environmental resources have similarly been

shown to be the same or less severe than previously analyzed as shown in the Addendum to the LSOP FEIR prepared for this project which also references the addendum prepared for the previously approved office building on Lot 5.

- f) New information of substantial importance that was not known at the time the LSOP FEIR was certified includes adjudication of the Seaside Basin. The adjudication of the Seaside Basin includes a Physical Solution (Superior Court of the State of California in and for the County of Monterey Case No. M664343, 27 March 2006). Further clarification is provided in the court ruling on May 11, 2009 that the Physical Solution governs the environmental aspects of Seaside Basin Groundwater usage, and attempts by any agency or organization to impose obligations on the use of Basin water rights must be viewed with concern for the integrity of the Physical Solution. The Physical Solution includes the potential for *de minimis* use of up to 5 acre feet of water per year per lot. The proposal would remain within the *de minimis* water use per lot threshold, thereby resulting in no new or more severe impacts. Therefore, no further environmental review is required.
- g) The custodian of documents and materials which constitute the record of proceedings upon which the decision is based is the County of Monterey Housing and Community Development (HCD), 1441 Schilling Place South, 2<sup>nd</sup> floor, Salinas, California.
- h) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development found in Project File PLN170765.

8. **FINDING:** **APPEAL AND APPELLANT CONTENTIONS** – The appellant, Leonard McIntosh, requests the Board of Supervisors grant the appeal to: 1) Revise Condition No. 18 – Inclusionary Housing to require 20% inclusionary contribution with a financial incentive consisting of waiving the in-lieu fee for 0.8 units, or allow the option to decide whether to provide affordable units or pay in-lieu fees until the time building permits are issued; and 2) Eliminate the requirement that each affected property-owner record Notice of the GDP (previously Condition No. 19).

The contentions are contained in the Notice of Appeal (Attachment E of the February 9, 2021 Board of Supervisors Staff Report) and summarized below followed by responses. The Board of Supervisors finds the facts and circumstances of this project do not support approval of the appeal as follows:

**EVIDENCE:** ***Contention #1 – Feasibility for 35% Inclusionary Housing Obligation.*** *The appellant contends that 2010 General Plan Policy LU-1.19 requirement to provide 35% inclusionary housing affordability is financially infeasible. The pro forma calculations provided by the applicant show 35% inclusionary level would not net a profit until years 5-10. The Pinnacle Bank corroborates these calculations to opine that the institution would not be able to finance*

*the project with over 20% inclusionary housing, and that even at the 20% level, the project would require higher than typical cash injection from the developer to avoid negative cash flow in the early year(s).*

**Response to Contention #1:**

The 35% inclusionary housing requirement is feasible with the application of financial incentives. See Finding 6 above.

***Contention #2 – Option to Choose Payment of In-lieu Fees at Time of Building Permit Approval.*** *During the August 12, 2020 hearing, the Planning Commission requested the applicant return with a proposed intent for fulfilling the inclusionary housing obligation of providing affordable units or paying in-lieu fees. At the September 30, 2020 continued hearing, the applicant volunteered to build affordable units for which the Planning Commission required a condition of approval to memorialize what was being approved.*

**Response to Contention #2:**

Section 18.40.100.B of Monterey County Code mandates that the appropriate authority shall apply a condition of approval that identifies the method of compliance with Chapter 18.40 (the Inclusionary Housing Ordinance) at the time of the first discretionary approval of a project. Section 18.40.100.B provides,

“Conditions to carry out this Chapter shall be imposed on the first approval of a residential development. When granting the first approval, the appropriate authority shall determine and include as a condition of approval: (i) the method of compliance with this Chapter, including whether the residential development will comply with this Chapter through provision of on-site units or off-site units or payment of an in-lieu fee or combination thereof; (ii) if inclusionary units are to be provided, the number of units required and fractional amount of units for which an in-lieu fee may be paid; and (iii) such other matters as the appropriate authority deems proper.”

The County regulations do not allow the County to defer the method of compliance to the building permit issuance stage, unless the applicant demonstrates and the Board of Supervisors finds and makes written findings, based on substantial evidence in the record, that unusual or unforeseen circumstances require modification of the requirements of Chapter 18.40. (Section 18.40.050.B.) The applicant has not provided substantial evidence demonstrating that the decision on the method of compliance must be deferred to the building permit issuance phase. Further, at least one Very low-income unit must be provided onsite to qualify for financial incentives or concessions pursuant to Density Bonus and

Incentive laws.

***Contention #3 – DES Applicability to Project.*** *The appellant contends the project is not subject to the DES.*

**Response to Contention #3:**

The DES applies to the project. See Finding 5 above.

***Contention #4 – Inclusionary Housing Regulations and Policies.*** *The appellant contends there are significant inconsistencies between County regulations and policies for inclusionary housing.*

**Response to Contention #4:**

The County has policies that distinguish between three concepts within the housing landscape and in consideration of qualifying factors: Inclusionary (Chapter 18.40), Affordable Housing (Policy LU-2.13), and Development Evaluation System (Policy LU-1.19).

First, the Inclusionary Housing Ordinance (Chapter 18.40) provides a program, applicable Countywide (coastal and inland unincorporated areas), with parameters for developers to integrate new residential units affordable to lower income households. Second, the Affordable Housing Policy LU-2.13 provides a minimum expectation of new housing affordability to very low- (31-50% AMI), low- (51-80% AMI), moderate- (81-120% AMI), and workforce- (121-150% AMI) income households for development in any area subject to the *2010 General Plan* (inland unincorporated County). Finally, Policy LU-1.19 provides flexibility for a developer to provide 25% inclusionary housing affordable to any combination of very low-, low-, and moderate-income level households, plus 10% workforce-income households in the case a project is proposed outside of *2010 General Plan* priority development areas.

Although confusion may result between the policies, each policy is particular to specific circumstances and characteristics of a project that determine which policy must be applied. See above findings for application of the policies and state Density Bonus Law to this project.

***Contention #5 – 35% Inclusionary Housing Obligation and Statewide Housing Policies.*** *The appellant contends that the 35% Inclusionary Housing obligation is an impediment to development of a housing project; and this is contrary to the mandates of state legislation SB 330 – Housing Crisis Act of 2019.*

**Response to Contention #5:**

Policy LU-1.19 applied to this project is in accordance with County practice and in direct compliance with SB330 which provides that a housing development project only be subject to those policies adopted and in effect when a preliminary application is submitted. Policy LU-1.19 has been in effect since adoption of the *2010*

*General Plan* on October 26, 2010, well before the first meeting about the subject application occurred on November 7, 2017.

Amendment to the *2010 General Plan* for removal of Policy LU-1.19 requires legislative action by the Board of Supervisors. As described above, with the application of the financial concession under state Density Bonus law, the effective affordability requirement applied to this project is 28.57%.

***Contention #6 – 35% Inclusionary Housing Obligation and the Housing Element.*** *The appellant contends that the 35% Inclusionary Housing obligation in the general plan is internally inconsistent with the Housing Element which references 20% provision of affordable housing throughout the document.*

**Response to Contention #6:**

The 2015-2023 Housing Element was adopted on January 26, 2016 and certified by the state HCD, well after the 2010 General Plan was adopted. Based on the certification by HCD, there is a rebuttable presumption that the Housing Element is valid. HCD provided a letter dated December 22, 2020 questioning whether the 35% affordable housing requirement in the DES was analyzed as a housing constraint in the Housing Element. County staff has provided a response to HCD committing to working with HCD on analyzing the DES in the context of an amendment to the existing Housing Element or in the next Housing Element cycle. The County HCD letter clarifies that the County approach to application of the DES to the project is in conjunction with application of the Density Bonus Law. Incentives or concessions under the Density Bonus Law provide for *de facto* compliance with the 35% affordability requirement in this case. See Finding 5 above.

***Contention #7 – Condition No. 19.*** *The appellant contends that Condition No. 19 is redundant of Condition No. 2 and asserts that a single recorded document should show up in subsequent title searches for each of the properties listed on the notice.*

**Response to Contention #7:**

Condition No. 2 requires the applicant, Mr. McIntosh, record a Notice of Permit Approval. Condition No. 19 requires each owner agreeing to be subject to the GDP, record the GDP.

A letter was provided by land use attorney Kelly McCarthy Sutherland in Mr. Lombardo's office. According to Ms. McCarthy Sutherland, a title company has as much chance of locating a document if the notice is recorded separately for each property as when one notice includes multiple properties. Concurrently, the letter makes clear that having both an assessor's parcel number (APN) and the legal description in the document make it more likely a title company will find the document and know to include it as an exception on title for each parcel. While the Notice of Permit

Approval lists the APNs of the affected properties, it does not include a legal description of each affected property.

Condition No. 2 is augmented to require the Notice of Permit Approval include the legal description of each of the affected properties, resulting in removal of the requirement that each property owner record the GDP (previously Condition No. 19) and bringing resolution to this contention.

9. **FINDING:** **APPEALABILITY** - The decision on this project is not appealable.  
**EVIDENCE:** MCC Title 21 Section 21.80.070.I – The decision of the Appeal Authority shall be final.

### **DECISION**

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Supervisors does hereby:

- a) Deny the appeal by Leonard McIntosh from the September 30, 2020 Planning Commission decision approving an amendment to a Combined Development Permit to allow construction of a 22,137 square foot, two-story, 15-unit residential apartment building, on vacant Lot 5 of the Laguna Seca Office Park (LSOP) and approving a General Development Plan for Lots 2-7, 9, 11, 15, & 16, and portions of Lots 10 [Condominium Units 103 & 104] and 19 [Condominium Unit 002] of the LSOP;
- b) Certify that the Board considered an Addendum together with the LSOP Final Environmental Impact Report (FEIR) in accordance with CEQA Guidelines Section 15164;
- c) Approve a General Development Plan (GDP) covering certain lots [Lots 2-7, 9, 11, 15, & 16, and portions of Lots 10 (Condominium Units 103 & 104) and 19 (Condominium Unit 002)] that allows residential and/or commercial uses on any single lot, such that the cumulative total of residential square footage across all lots covered by this GDP, does not exceed the cumulative total commercial square footage across all LSOP lots; and
- d) Approve an Amendment to a Combined Development Permit (PLN020332, PC Resolution No. 12-035) that includes a Use Permit and Design Approval to allow construction of a 22,137 square foot two-story 15-unit residential apartment building, instead of a 20,306 square foot two-story professional office building, on Lot 5 of the LSOP, subject to the project satisfying the 4.9 (35%) requirement for total Affordable Units with Density Bonus accommodation as follows: 1) One (1) Very Low-Income; 2) Two (2) Moderate-Income; 3) One (1) Workforce II Income; and Waiver of 0.9 fractional unit in-lieu fee as a financial concession per Government Code Section 65915(d)(2)(A),

in general conformance with the attached General Development Plan and Plan Set, and subject to the twenty-five (25) Conditions of Approval, all being attached hereto, and incorporated herein by reference.

**PASSED AND ADOPTED** upon motion of Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_, and carried this 23<sup>rd</sup> day of February 2021, by the following vote, to wit:

AYES:

NOES:

ABSENT:



I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book\_\_\_\_\_for the meeting on \_\_\_\_\_.

Dated:

Valerie Ralph, Clerk of the Board of Supervisors  
County of Monterey, State of California

By \_\_\_\_\_  
Deputy

# **Monterey County RMA Planning**

## **DRAFT Conditions of Approval/Implementation Plan/Mitigation Monitoring and Reporting Plan**

PLN170765

## 1. PD001 - SPECIFIC USES ONLY

**Responsible Department:** RMA-Planning

**Condition/Mitigation  
Monitoring Measure:**

This General Development Plan allows the Laguna Seca Office Park (LSOP) lots for which the owner provides written agreement to the GDP [thus far, Lots 2-7, 9, 11, 15, & 16, and portions of Lots 10 (Condominium Units 103 & 104) and 19 (Condominium Unit 002)] to allow residential and/or commercial uses on any single lot covered by the GDP such that the cumulative total of residential square footage across the lots covered by this GDP, does not exceed commercial square footage throughout the LSOP; and Amendment to a previously approved Combined Development Permit (PLN020332) including a Use Permit and Design Approval to allow construction of a 22,137 square foot, 15-unit residential apartment building as modified from construction of a 20,306 square foot two-story professional office building and associated grading (approximately 3,850 cubic yards cut and 3,350 cubic yards fill), on Lot 5 of the LSOP. The previously approved Combined Development Permit (PLN020332) included a Use Permit to allow removal of 43 protected Coast live oak trees, an Administrative Permit to allow development in the Site Plan ("S") zoning district; and a Design Approval. This Amendment supersedes the previously approved CDP (PLN020332) except for the Use Permit to allow removal of 43 Coast live oak trees, the Administrative Permit to allow development in the Site Plan ("S") zoning district, and conditions of approval carried over from the previous permit incorporated herein as Condition Nos. 6 and 21-25. The properties are located at Laguna Seca Office Park (LSOP) and Lot 5 is located at 24491 Citation Court [Assessor's Parcel Numbers: 173-121-002, 173-121-003, 173-121-004, 173-121-005 (Lot 5), 173-121-023, & 173-121-026, 173-121-009, 173-121-011, 173-121-015, 173-121-016, 173-123-001, 173-123-003, 173-123-006, & 173-124-001], Monterey, Greater Monterey Peninsula 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 HCD - 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. (HCD - Planning)

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

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

## 2. PD002 - NOTICE PERMIT APPROVAL

**Responsible Department:** RMA-Planning

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

**Monitoring Measure:**

"A General Development Plan and Amendment to previously approved permit PLN020332 (Resolution Number \_\_\_\_\_) were approved by the Board of Supervisors for Assessor's Parcel Numbers 173-121-002, 173-121-003, 173-121-004, 173-121-005 (Lot 5), 173-121-023, & 173-121-026, 173-121-009, 173-121-011, 173-121-015, 173-121-016, 173-123-001, 173-123-003, 173-123-006, & 173-124-001 on 23 February 2021. A legal description of each APN on this permit is included herein. The permit was granted, subject to 25 conditions of approval, which run with the land. A copy of the permit is on file with Monterey County HCD - Planning."

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

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

**Responsible Department:** RMA-Planning

**Condition/Mitigation  
Monitoring Measure:**

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

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

The Owner/Applicant shall adhere to this condition on an on-going basis.

Prior to the issuance of grading or building permits and/or prior to the recordation of the final/parcel map, whichever occurs first, the Owner/Applicant shall include requirements of this condition as a note on all grading and building plans. The note shall state "Stop work within 50 meters (165 feet) of uncovered resource and contact Monterey County HCD - Planning and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered."

When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.

#### 4. PD011 - TREE AND ROOT PROTECTION

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** Trees which are located close to construction site(s) and those trees close to trees to be removed, shall be protected from inadvertent damage from construction equipment by fencing off the canopy driplines and/or critical root zones (whichever is greater) with protective materials, wrapping trunks with protective materials, avoiding fill of any type against the base of the trunks and avoiding an increase in soil depth at the feeding zone or drip-line of the retained trees. Said protection, approved by certified arborist, shall be demonstrated prior to issuance of building permits subject to the approval of HCD - Director of Planning. If there is any potential for damage, all work must stop in the area and a report, with mitigation measures, shall be submitted by certified arborist. Should any additional trees not included in this permit be harmed, during grading or construction activities, in such a way where removal is required, the owner/applicant shall obtain required permits. (HCD - Planning)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of grading and/or building permits, the Owner/Applicant shall submit evidence of tree protection to HCD - Planning for review and approval.

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

Prior to final inspection, the Owner/Applicant shall submit photos of the trees on the property to HCD-Planning after construction to document that tree protection has been successful or if follow-up remediation or additional permits are required.

#### 5. PD011(A) - TREE REMOVAL

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** Tree removal shall not occur until a construction permit has been issued in conformance with the appropriate stage or phase of development in this permit. Only those trees approved for removal shall be removed. Prior to tree removal, a nesting bird/raptor survey shall be executed in by a professional biologist on the County-approved consultant list. (HCD-Planning)

**Compliance or Monitoring Action to be Performed:** Applicant shall demonstrate that a construction permit has been issued prior to commencement of tree removal.

Prior to tree removal, applicant/owner shall submit to HCD-Planning the nesting bird/raptor survey.

## 6. PD048 - TREE REPLACEMENT/RELOCATION

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** Each removed Oak trees shall be replaced at a 1:1 ratio. Due to the potential for overcrowding at the project site, a maximum of twenty (20) Coast Live Oak trees shall be planted at the project site and at least twenty-three (23) Coast Live Oak trees shall be planted within the open space parcels of the Laguna Seca Office Park.

Applicant/owner shall have the trees inspected by a qualified arborist. The arborist shall prepare a report describing the condition of the replacement trees. At the time of inspection by the arborist, any trees that have died or are in poor condition, shall be replaced and documented in the report.

**Compliance or Monitoring Action to be Performed:** 1) Prior to final inspection, the applicant/owner shall submit receipts and photographic evidence, demonstrating that a maximum of 20 Coast Live oak trees have been planted at the site and that at least 23 Coast Live Oak trees have been planted within open space parcel of the Laguna Seca Office Park.

2) One year following planting of the replacement trees, the applicant/owner shall submit to HCD-Planning for review and approval the report prepared by the arborist.

## 7. PD012(E) - LANDSCAPE PLAN & MAINTENANCE (MPWMD-OTHER)

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** The site shall be landscaped. Prior to issuance of building permits, a landscaping plan shall be submitted to the Director of HCD - Planning. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping and shall include an irrigation plan with calculations of MAWA and ETWU. The landscaping shall be installed and inspected prior to occupancy. All landscaped areas and/or fences shall be continuously maintained by the applicant and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (HCD - Planning)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of building permits, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall submit landscape plans and contractor's estimate to HCD - Planning for review and approval. Landscaping plans shall include the recommendations from the Forest Management Plan or Biological Survey, as applicable.

All landscape plans shall be signed and stamped by the licensed professional under the following statement, "I certify that this landscaping and irrigation plan complies with all Monterey County landscaping requirements including use of native, drought-tolerant, non-invasive species; limited turf; and low-flow, water conserving irrigation fixtures."

Prior to issuance of building permits, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall submit one (1) set landscape plans of approved by HCD-Planning, a Maximum Applied Water Allowance (MAWA) calculation, and a completed "Non-Residential Water Release Form and Water Permit Application" to the Monterey County Water Resources Agency for review and approval.

Prior to issuance of building permits, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall submit an approved water permit from the MPWMD to HCD-Building Services.

Prior to occupancy, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall submit to HCD-Planning a letter verifying the landscaping has been installed in accordance with the approved landscape plans.

On an on-going basis, all landscaped areas and fences shall be continuously maintained by the Owner/Applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.

## 8. PD014(A) - LIGHTING - EXTERIOR LIGHTING PLAN

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The lighting source shall be shielded and recessed into the fixture. The applicant shall submit an exterior lighting plan that shall indicate location, type, and wattage of all light fixtures and include catalog sheets for each type of fixture. The lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations Title 24 Part 6.

Exterior lighting plan shall be subject to review by the Monterey Regional Airport for sources of glare, distracting light, dust, smoke, water vapor, or electrical interference that could cause potential detriment to safety in Zone 4 (2019 ACLUP)  
(HCD - Planning)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of building permits, Owner/applicant shall submit to the Director of HCD-Planning evidence that the Monterey Regional Airport reviewed and supports the exterior lighting plan.

Prior to the issuance of building permits and after review by the Monterey Regional Airport, Owner/Applicant shall submit to HCD - Planning the exterior lighting plan for review and approval. Approved lighting plans shall be incorporated into final building plans.

Prior to final/occupancy, the Owner/Applicant/Contractor shall submit written and photographic evidence demonstrating that the lighting has been installed according to the approved plan.

On an on-going basis, the Owner/Applicant shall ensure that the lighting is installed and maintained in accordance with the approved plan.

## 9. GEOTECHNICAL CERTIFICATION

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The applicant shall provide certification from a licensed practitioner that all development has been constructed in accordance with the recommendations in the project Geotechnical Report (File No. LIB180115) and the Drainage Report Update (File No. LIB180117). (RMA- Environmental Services)

**Compliance or Monitoring Action to be Performed:** Prior to final inspection, the owner/applicant shall provide RMA-Environmental Services a letter from a licensed practitioner.



## 10. INSPECTION-PRIOR TO LAND DISTURBANCE

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The applicant shall schedule an inspection with RMA-Environmental Services to ensure all necessary sediment controls are in place and the project is compliant with Monterey County regulations. This inspection requirement shall be noted on the Erosion Control Plan. (RMA – Environmental Services)

**Compliance or Monitoring Action to be Performed:** Prior to commencement of any land disturbance, the owner/applicant shall schedule an inspection with RMA-Environmental Services.

## 11. INSPECTION-DURING ACTIVE CONSTRUCTION

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The applicant shall schedule an inspection with RMA-Environmental Services to inspect drainage device installation, review the maintenance and effectiveness of BMPs installed, and to verify that pollutants of concern are not discharged from the site. At the time of the inspection, the applicant shall provide certification that all necessary geotechnical inspections have been completed to that point. This inspection requirement shall be noted on the Erosion Control Plan. (RMA – Environmental Services)

**Compliance or Monitoring Action to be Performed:** During construction, the applicant shall schedule an inspection with RMA-Environmental Services.

## 12. INSPECTION-FOLLOWING ACTIVE CONSTRUCTION

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The applicant shall schedule an inspection with RMA-Environmental Services to ensure all disturbed areas have been stabilized and all temporary erosion and sediment control measures that are no longer needed have been removed. This inspection requirement shall be noted on the Erosion Control Plan. (RMA – Environmental Services)

**Compliance or Monitoring Action to be Performed:** Prior to final inspection, the owner/applicant shall schedule an inspection with RMA-Environmental Services.

### 13. PW0044 - CONSTRUCTION MANAGEMENT PLAN

**Responsible Department:** RMA-Public Works

**Condition/Mitigation Monitoring Measure:** The applicant shall submit a Construction Management Plan (CMP) to RMA-Planning and RMA - Public Works for review and approval. The CMP shall include measures to minimize traffic impacts during the construction/grading phase of the project.

CMP shall include, at a minimum, duration of the construction, hours of operation, truck routes, estimated number of truck trips that will be generated, number of construction workers, and on-site/off-site parking areas for equipment and workers and locations of truck staging areas. Approved measures included in the CMP shall be implemented by the applicant during the construction/grading phase of the project.

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

1. Prior to issuance of the Grading Permit or Building Permit, Owner/Applicant/Contractor shall prepare a CMP and shall submit the CMP to the RMA-Planning Department and the Department of Public Works for review and approval.
2. On-going through construction phases Owner/Applicant/Contractor shall implement the approved measures during the construction/grading phase of the project.

### 14. PD026 - BANNER, FLAGS, PENNANTS

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** Owner/applicant shall ensure that only approved signs are allowed in the LSOP. There shall be no flags, banners, pennants, kites, balloons, or other attention-getting devices such as, though not limited to, drones, blimps, projectiles, or launchers. (HCD - Planning)

**Compliance or Monitoring Action to be Performed:** Prior to commencement of use, the Owner/Applicant shall submit to HCD-Planning evidence which demonstrates that there are only approved signs within the LSOP.

On an on-going basis, the Owner/Applicant shall keep the property free of flags, banners, pennants, or other attention-getting devices, and only maintain approved signs on the property.

### 15. EHSP01- RECYCLABLES IN RENTAL HOUSING (NON-STANDARD)

**Responsible Department:** Health Department

**Condition/Mitigation Monitoring Measure:** Recyclables must be separated from refuse, collected, stored and properly recycled for each of the multifamily rental housing units pursuant to Assembly Bill AS341 (Chesbro) and Monterey County Code, Chapter 10.41.

**Compliance or Monitoring Action to be Performed:** Prior to issuance of construction permit, submit a written plan on how recyclables will be collected and stored for each of the multifamily rental housing units to Recycling and Resource Recovery Services of Environmental Health Bureau for review and approval.

## 16. PD052 - PRE-CONSTRUCTION MEETING

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** Owner/applicant shall retain a qualified professional biologist to conduct a pre-construction meeting held onsite. The meeting shall include representatives of each of the selected contractors, the Owner/Applicant, and any other appropriate County Departments. The purpose of the meeting is to review the conditions of approval that are applicable to the grading and construction of the approved development.

Contract with the biologist shall include a scope of work for conducting the onsite meeting and information to be conveyed to meeting attendees. Owner/Applicant shall be responsible for ensuring that all appropriate contractors and technical consultants are in attendance.

(HCD - Planning)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of building permits, the Owner/Applicant shall submit to HCD-Planning for review and approval, a signed contract with the project biologist.

Prior to the pre-construction meeting, owner/applicant shall notify HCD-Planning of the date and time for the scheduled onsite meeting.

After conclusion of the meeting, Owner/applicant shall submit to HCD-Planning a post-meeting log and summary.

## 17. PD017 - DEED RESTRICTION-USE

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** Applicant/owner shall record a deed restriction to that requires full disclosure within each rental agreement that shall include the following language:

"The Laguna Seca Office Park is approximately 1.5 miles from the Monterey Regional Airport and within Zone 4 as identified in the 2019 Airport Compatibility Land Use Plan (2019 ACLUP) for the Monterey Regional Airport. Zone 4 is the Outer Approach/Departure Zone (OADZ) situated along the extended runway centerline beyond the Inner Approach/Departure Zone (IADZ) where aircraft travel at relatively low altitude during approach and departure. The accident risk level is considered to be moderate, encompassing approximately five percent of general aviation aircraft accidents. Residents and residential buildings within the Laguna Seca Office Park shall be subject to safety performance standards that eliminate sources of glare, distracting light, dust, smoke, water vapor, or electrical interference; and restrictions on activities that include the use of kites, drones, blimps, balloons, projectiles, or launchers."

(HCD - Planning)

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of grading or building permits, the Owner/Applicant shall submit the signed and notarized deed restriction to the Director of HCD-Planning for review and signature by the County.

Prior to occupancy or commencement of use, the Owner/Applicant shall submit proof of recordation of the deed restriction to HCD-Planning.

## 18. PDSP001 - INCLUSIONARY HOUSING

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** The applicant/owner shall enter into an Affordable Housing Agreement with the County of Monterey to satisfy the obligation to provide affordable units as required by the Planning Commission in approval of the project on 9/30/2020.

In accordance with 2010 General Plan Land Use Policy LU-1.19 (Development Evaluation System) requirement of 35% inclusionary housing, County Housing and Community Development quantifies provision of the following minimum number of units (4.9 total) within each household income category as follows:

(1) Very Low,

(2) Moderate, and

(1) Workforce II,

all of which are to be built onsite; and

waive the remaining 0.9 fractional unit i- lieu fee obligation.

**Compliance or Monitoring Action to be Performed:** Prior to any building permit approval, the applicant/owner shall enter into an Inclusionary and Workforce Housing Agreement with the County of Monterey.

## 19. PDSP002 - SAFETY & SECURITY

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** The Monterey County Sherriff's Office requests the applicant/owner integrate safety considerations in the provision and design of signage, alarms, lighting, landscaping, parking, and security.  
HCD-Planning

**Compliance or Monitoring Action to be Performed:** Prior to issuance of building permits, applicant/owner shall provide to HCD-Planning evidence of communication with the Monterey County Sherriff's Office indicating support of project provision and design of signage, alarms, lighting, landscaping, parking, and security.

## 20. CC01 INDEMNIFICATION AGREEMENT

**Responsible Department:** County Counsel-Risk Management

**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. (County Counsel-Risk Management)

**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 Office of County Counsel-Risk Management for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the Office of County Counsel-Risk Management

## 21. PDSP003 - MBARD RECOMMENDED MEASURES

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** The applicant/owner shall implement best available control measures to reduce airborne particulate matter during all phases of construction, as recommended by Monterey Bay Unified Air Resources District (MBARD) and in accordance with Policy OS-10.9 of the 2010 General Plan. The applicant /owner shall submit an Air Pollution Control Program (APCP) to HCD-Planning for review and approval, including all or part of the following measures:

- Minimize the use of diesel-powered equipment to the maximum extent feasible;
- Use alternative fuels (e.g. bio-diesel) where feasible;
- Where diesel equipment use is necessary, the equipment should be recent model, equipped with particulate matter filters.
- All diesel-powered equipment shall have up-to-date emission control labels; and
- Diesel-powered equipment shall not be left idling.

The APCP that may be combined with an overall Construction Management Plan.

The APCP shall include a list of the heavy equipment to be used during construction including year, make, and model with photos showing up -to-date emissions control labels (where applicable) and a list of Best Management Practices to be implemented to minimize diesel exhaust during construction.

**Compliance or Monitoring Action to be Performed:** 1) Prior to issuance of grading or building permits, the applicant /owner/contractor shall submit an Air Pollution Control Program to HCD-Planning for review and approval.

2) Prior to final grading or building inspection, the applicant /owner/contractor shall submit to HCD-Planning for review and approval a description, and photographs if available, demonstrating the ways in which Best Management Practices were implemented during construction.

## 22. PDSP004 - BIOLOGICAL MONITOR

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** Owner/applicant shall retain a qualified biologist to monitor construction. The biological monitor shall conduct an Employee Education Program for the construction crew and shall be onsite during initial grading and vegetation removal activities to monitor for potential encounter of any special status species encountered. The qualified biologist shall identify and explain the necessary precautions during the Employee Education Program. These methods could include, but are not limited to, stopping work in the area where the animal is encountered until it has moved, on its own outside the project site, or to stop work; and HCD-Planning shall be contacted immediately to identify the appropriate authority. Work shall not resume until after receiving authorization from the appropriate authority as identified by HCD-Planning.

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

- 1) Prior to issuance of grading or construction permits, owner/applicant shall submit to HCD-Planning for review and approval a signed contract with a qualified biological monitor. The contract shall contain the Employee Education Program including
- 2) Prior to removal of any vegetation, the biologist shall submit evidence to the HCD-Planning demonstrating that the Employee Education Program was conducted in accordance with the approved contract.
- 3) Prior to foundation/footing building inspection approval, the project biologist shall submit evidence to HCD-Planning that the grading and construction occurred in accordance with the approved contract.

## 23. PDSP005 - CONSTRUCTION HOURS OF OPERATION

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** The applicant/owner/contractor shall prepare and submit a Construction Activities Schedule and Management Plan (Plan) identifying all phases of the project, and all related construction activities and their timing to HCD-Planning for review and approval. The Plan shall include the entire development process and shall address all pertinent aspects including specific hours of operation, muffling of internal combustion engines and other factors which affect construction noise.

This Plan shall include at least the following measures:

- 1) Limit loud construction activities and the use of heavy equipment such as bulldozers, heavy trucks, backhoes and pneumatic tools to the hours of 3:00 pm to 7:00 pm on weekdays while school is in session, and from 7:00 am to 7:00 pm on non-school days and Saturdays.
- 2) Ensure that construction equipment is properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturer recommendations.
- 3) When not in use, motorized construction equipment should not be left idling; and
- 4) Establish a contact person and notify adjacent property-owners and -users as to the contact person and complaint solution process.

This Plan may be combined with an overall Construction Management Plan.

Applicant/Owner/Contractor shall prepare a report describing how the Plan was implemented, including all steps taken to to comply with this condition and to address any complaints received.

**Compliance or Monitoring Action to be Performed:** 1) Prior to the issuance of grading or building permits, the applicant shall submit to HCD-Planning for review and approval the Construction Activities Schedule and Management Plan.

2) Prior to final inspection, the applicant /owner/contractor shall submit to HCD-Planning for review and approval the report on implementation of the Plan.

## 24. PD050 - RAPTOR/MIGRATORY BIRD NESTING

**Responsible Department:** RMA-Planning

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

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



## 25. PD032(A) - PERMIT EXPIRATION

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** The permit shall be granted for a time period of 3 years from the 9 February 2021 date of approval unless use of the property or actual construction has begun within this period. (HCD-Planning)

**Compliance or Monitoring Action to be Performed:** Prior to the expiration date stated in the condition, the Owner/Applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the Chief of HCD-Planning. Any request for extension must be received by HCD-Planning at least 30 days prior to the expiration date.

## **GENERAL DEVELOPMENT PLAN**

### **LAGUNA SECA OFFICE PARK**

**JULY 2020**

#### **BACKGROUND**

The Laguna Seca Office Park (LSOP) was approved by Monterey County for the development of approximately 54 acres at the intersection of Highway 68 and York Road in 1984. Approval of the LSOP included a general plan amendment, rezoning, and standard subdivision.

Construction of the LSOP subdivision was subject to conditions of approval to mitigate potential environmental impacts including aesthetics, drainage, traffic, water, and wastewater. Mitigations implemented included construction of waste water treatment facilities, water system improvements, road improvements including the signalization of the Highway 68/York Road intersection, dedication for the future widening of Highway 68 and dedication of multiple scenic easements.

Lots 1 and 8-19 have been fully developed with professional offices and associated uses. At the time the LSOP was approved, general development plans were not required. As Lots 1 and 8-19 individually came on for development, strictly a Use Permit was required and the approved Use Permit became a *de facto* Development and Operations Plan (General Development Plan) for that lot. The development of Lots 1 and 8-19 totals 152,978 square feet (sf). Lots 2-7 are undeveloped. Use Permits were approved in January 2019 for office buildings on lots 2 and 3 for a total of 21,271 sf. Lot 5 was previously approved for an approximately 20,306 square foot office building. Lots 4, 6, and 7 have no pre-existing entitlements. At the time of LSOP approval, the zoning regulations allowed, and continue to allow, for residential uses balanced with commercial use. There has been no residential development in the LSOP, thus far.

#### **PURPOSE AND INTENT**

This general development plan (GDP) has been prepared pursuant to Monterey County Code Section 21.22.030 to provide standards and regulations for operations and design for long range development, changes in use, and redevelopment of lots for which the owner provides written agreement to the GDP. Currently, written agreement to the GDP has been provide by owners of Lots 2-7, 9, 11, 15, & 16, and portions of Lots 10 (Units 103 & 104) and 19 (Unit 002).

Approval of this GDP does not alter the GDPs approved for the existing developments on Lots 1 and 8-19.

If residential development is proposed on a lot for which the owner provides written agreement to the GDP [Currently, Lots 2-7, 9, 11, 15, & 16, and portions of Lots 10 (Units 103 & 104) and 19 (Unit 002)], this GDP supersedes the existing GDPs.

## **EXHIBITS**

Attached are Exhibits A-I that provide graphics and data associated with this GDP:

- **Exhibit A** identifies the lots which, in accordance with the CC&Rs, are limited to development of non-residential uses and those that may be developed for non-residential and/or residential uses. Exhibit A also provides overall data for the LSOP.
- **Exhibits B-G** show lots 2-7 with the existing vegetation, scenic easements, and potential square footage of commercial and/or residential development for each lot.
- **Exhibit H** shows existing development in the LSOP, proposed square footage of residential development and agreement of this GDP by owners of LSOP parcels.
- **Exhibit I** shows Zone 4 of the 2019 ALUCP overlaid with the LSOP subdivision.

## **DEVELOPMENT PROPOSAL THAT DOES NOT INCLUDE RESIDENTIAL USE**

All development proposals for parcels in the LSOP that do not include residential use are:

- Subject to the GDP requirements of the underlying zoning regulations for GDPs at the time of application; and
- In accordance with the applicable guidelines and standards of this GDP.

## **RESIDENTIAL DEVELOPMENT IN THE LSOP**

Residential development may be allowed on any lot in the LSOP subject to the following terms and conditions:

- The total area of residential development in the LSOP may not exceed the total area of commercial development<sup>1</sup> in the LSOP.
- Total development of the LSOP is limited to 260,000 SF. Any development proposed beyond 260,000 SF will require an amendment to this General Development Plan and

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<sup>1</sup> Area of development is the total gross square footage of buildings on a lot.

environmental review as may be required by the California Environmental Quality Act at that time.

- The County shall maintain a record of the residential development that may be allowed based on the lot owners and area of development of those lots in agreement with this General Development Plan.
- The residential development allowed under this Plan shall be considered on a “first come-first served” basis.
- Applications for residential use shall be accompanied by a determination that the proposed residential use is compatible with the ALUCP.
- Residential development is subject to a use permit in each case as required by Monterey County Code Section 21.22.060.M.

### **Additional Considerations for Residential Development in the LSOP**

#### **LSOP Declaration of Covenants, Conditions, and Restrictions (CCRs):**

The LSOP is governed by CC&Rs<sup>2</sup>, which is a private agreement among owners of each parcel in the LSOP that covers use and development of property within the LSOP.

- The CC&Rs limit the use of Lots 1 and 8-19 to non-residential uses, and excludes residential use. The CC&Rs allow lots 2-7 to be used for residential and/or non-residential use.
- An amendment to the CC&Rs requires approval by majority of the lot owners, to allow residential uses on Lots 1 and 8-19.

#### **Monterey Regional Airport’s Airport Land Use Compatibility Plan (ALUCP)**

The LSOP is in the vicinity of the Monterey Regional Airport (MRY) and is subject an airport compatibility plan. In February 2019, the Monterey County Airport Land Use Commission (ALUC) adopted an airport (MRY) compatibility plan update (2019 ALUCP) to the 1987 Compatibility Land Use Plan (1987 CLUP). The updated 2019 ALUCP identifies various safety zones around the airport that were not in the 1987 CLUP. The safety zones establish and limit allowable land uses around the MRY. Exhibit I shows the LSOP overlaid with the 2019 ALUCP Zone 4. In Zone 4, development density for residential use is limited to a maximum of 1 unit per two acres.

- Residential development density is not limited for Lots 1, 9, and 19 because these parcels are outside the 2019 ALUCP Zone 4.

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<sup>2</sup> The Declaration of Covenants, Conditions and Restrictions for LSOP was recorded June 3, 1988 (R2235, P636). The Declaration was amended March 25, 1989 (R2368 P798) and September 22, 2003 (Document 2003115003). CCRs are a private agreement among owners in the LSOP and are not enforced by the County of Monterey.

- Residential density is not limited for Lots 2-7 because these parcels are, by operation of law, consistent with the 2019 ALUCP (PUC Section 21676(d) and 2019 ALUCP Policy 4.1.11.2).
- All development on Lots 1 and 8-19 must be found consistent with the most currently adopted airport compatibility plan which, at the time of writing this GDP, is the 2019 ALUCP.

## **DESIGN GUIDELINES AND DEVELOPMENT STANDARDS**

All development is to be in substantial conformance with Design Guidelines and Development Standards of this General Development Plan.

### **Site Development Standards:**

- Height: The maximum allowed height is 35 feet.
- Setbacks:
  - Front: 30'
  - Side: 10% of the average lot width to a maximum required of 20'.
  - Rear: 20'
- Parking:
  - Residential:
    - One bedroom: 1.5 spaces/unit
    - Two bedrooms: 2 spaces/unit
    - Three bedrooms: 2 spaces /unit plus 1 space for every 5 units
    - Guest parking: 1 space for every four units
- Coverage:
  - Structural: 50%, maximum
  - Hardscape: 40% maximum
  - Landscaping: 10% minimum

**Materials and Colors:** The design of each individual structure shall be subject to review and approval by the Chief of RMA-Planning. At the discretion of the Chief of RMA-Planning, the proposed design may be referred to the local advisory committee and/or Planning Commission. If appropriate, the General Manager of the Monterey Regional Airport may be consulted.

- Individual designs should provide a distinction between structures and some architectural diversity among the developments.
- Generally, materials of exterior walls shall be cement plaster, stone and/or wood.
- Paint colors shall be muted earth tones (e.g., brown, tan, beige) that integrate with the natural surroundings and are consistent with the neighborhood character.
- Roofing may be varied and may include metal standing seam, ceramic or porcelain tile, or other materials that provide aesthetic complement to the overall development. In no case shall the roof materials be a shiny or reflective material that has potential to pose a hazard to flights leaving and landing at the Monterey Regional Airport.

Landscaping Plan: Drought tolerant non-invasive species shall be used around the buildings. All landscaped areas shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. The landscaping plan for each project shall be subject to review and approval by the Chief of RMA-Planning.

Exterior Lighting: All exterior lighting shall be consistent with the Monterey County Lighting Ordinance and subject to review and approval by the Chief of RMA-Planning.

- All exterior lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that the intended area is illuminated and off-site glare is fully controlled.
- Lighting of exterior signage shall be reviewed on a case-by-case basis for nighttime visibility.
- In no case shall the exterior lighting be of a type, location, or direction that has potential to pose a hazard to flights leaving and landing at the Monterey Regional Airport.
- At the discretion of the Chief of RMA-Planning, the General Manager of the Monterey Regional Airport may be consulted during the Interdepartmental Review (IDR) of the project application and upon proposal of any project-related lighting.

Outside Storage: All outside storage areas shall be fully enclosed.

Trash/Recycling: All disposal receptacles shall be contained within enclosures. Separate receptacles shall be provided for the separation of trash, yard waste, and recyclable materials.

Sign Regulations:

- Residential:
  - There shall be no more than one sign per street frontage.
  - The signs shall not exceed thirty-five (35) square feet in the aggregate.
  - The height may not exceed six feet if freestanding, or if attached to a structure, the sign may not be higher than the roof line or parapet of the wall.
  - The signs shall be stationary.
  - The signs shall not be located within or project over or into any public right-of-way.
  - The signs may not be internally illuminated.

Recreation Opportunities: All development in the LSOP shall be encouraged to provide on-site recreation facilities and opportunities. Recreation facilities that may be shared and integrated among developments and lots are preferred.

THIS GENERAL DEVELOPMENT PLAN WAS APPROVED BY THE MONTEREY COUNTY PLANNING COMMISSION ON SEPTEMBER 30, 2020.









PROJECT:

Laguna Seca Office Park  
Lot 2

Monterey, California 93940

SHEET TITLE:

LSOP GDP Exhibits B-G

DATE: 2/12/20

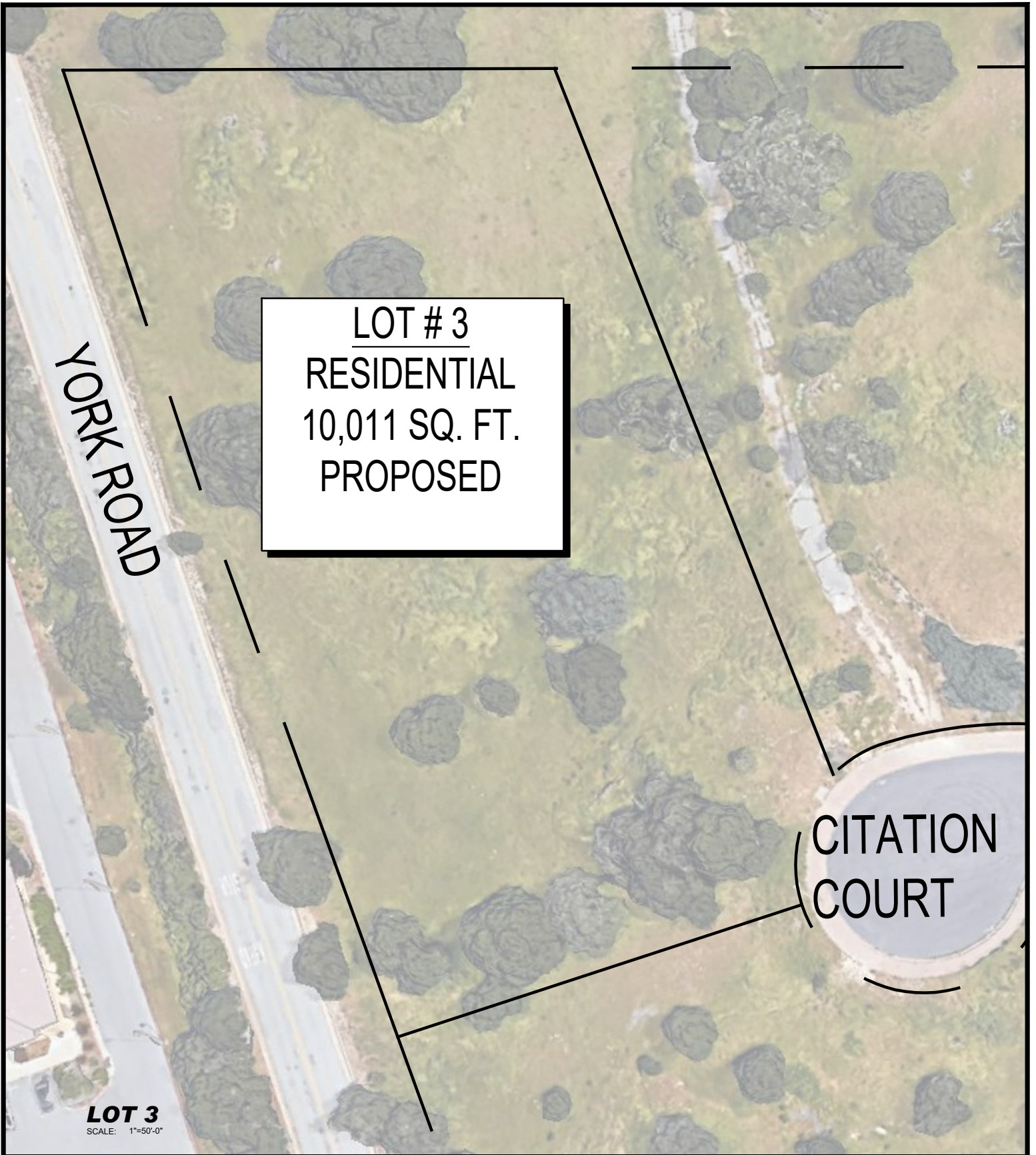
PROJECT NUMBER: 17098.1

SHEET NO.

1

1 OF 6





PROJECT:

Laguna Seca Office Park  
Lot 3

Monterey, California 93940

SHEET TITLE:

LSOP GDP Exhibits B-G

DATE: 2/12/20

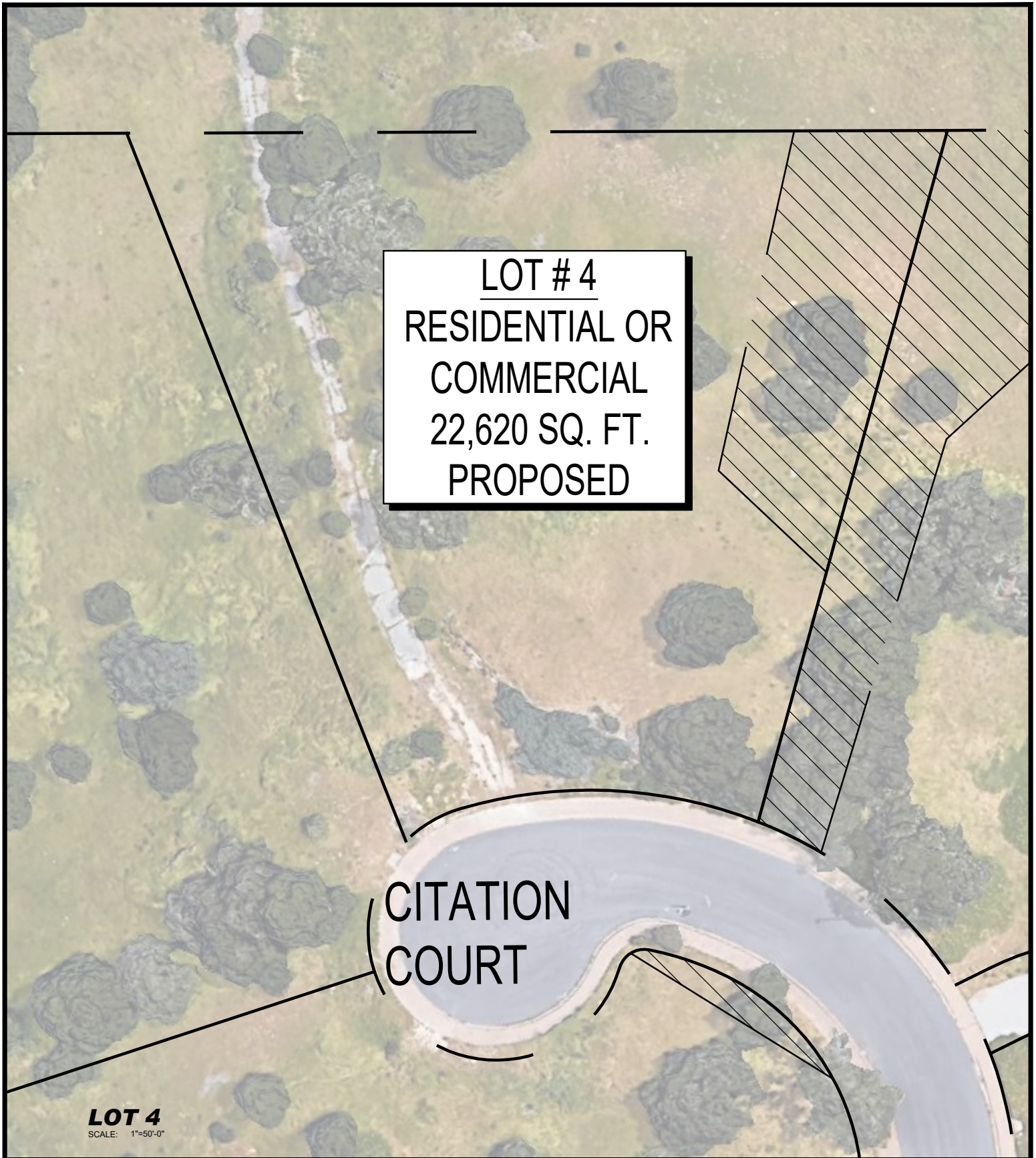
PROJECT NUMBER: 17098.1

SHEET NO.

2

2 OF 6





LOT # 4  
RESIDENTIAL OR  
COMMERCIAL  
22,620 SQ. FT.  
PROPOSED

CITATION  
COURT

**LOT 4**  
SCALE: 1"=50'-0"



PROJECT:

Laguna Seca Office Park  
Lot 4

Monterey, California 93940

SHEET TITLE:

LSOP GDP Exhibits B-G

DATE: 2/12/20

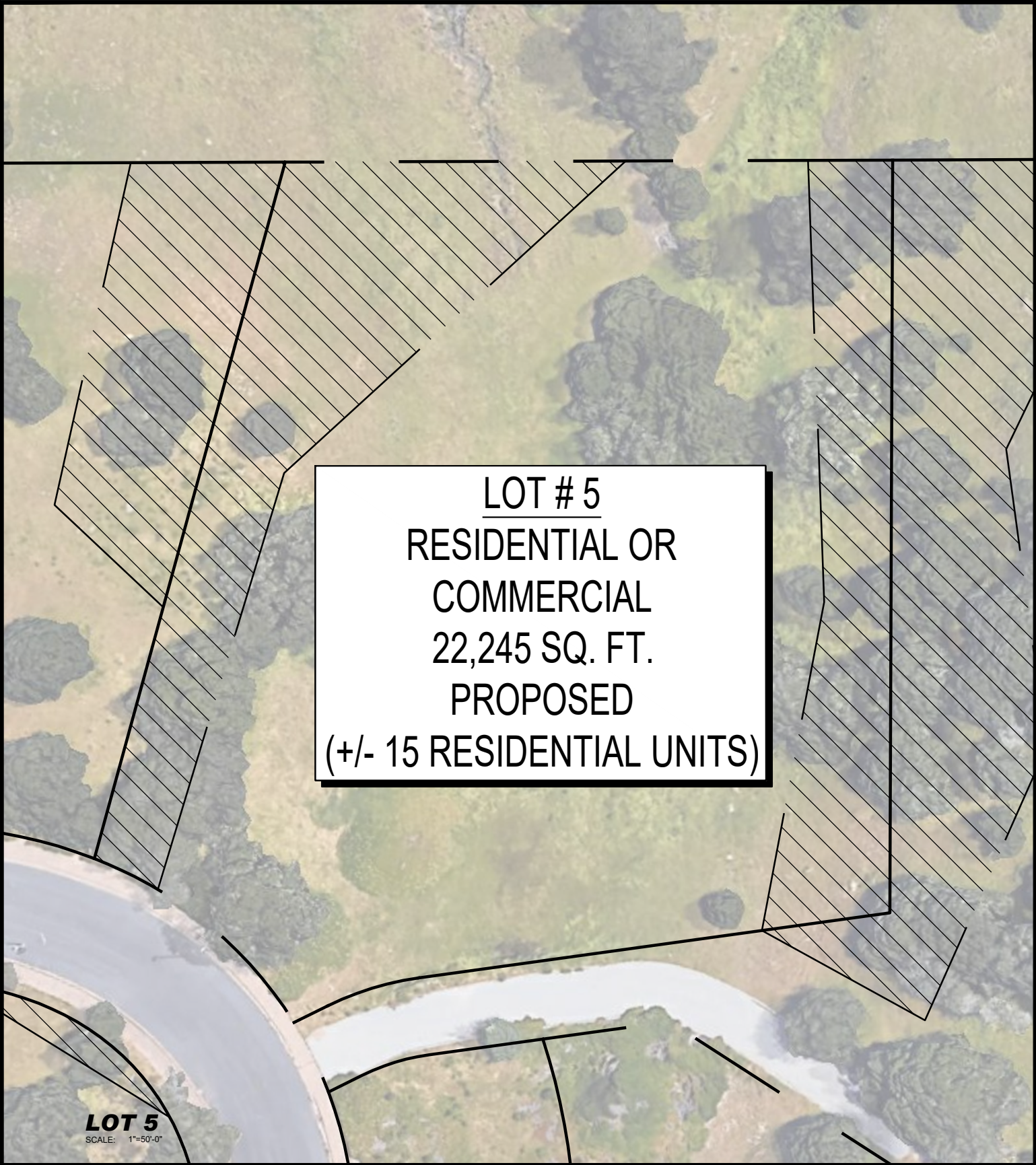
PROJECT NUMBER: 17098.1

SHEET NO.

3

3 OF 6





LOT # 5  
RESIDENTIAL OR  
COMMERCIAL  
22,245 SQ. FT.  
PROPOSED  
(+/- 15 RESIDENTIAL UNITS)

**LOT 5**  
SCALE: 1"=50'-0"



WALD RUHNKE & DOST  
ARCHITECTS LLP

PROJECT:

Laguna Seca Office Park  
Lot 5

Monterey, California 93940

SHEET TITLE:

LSOP GDP Exhibits B-G

DATE: 2/12/20

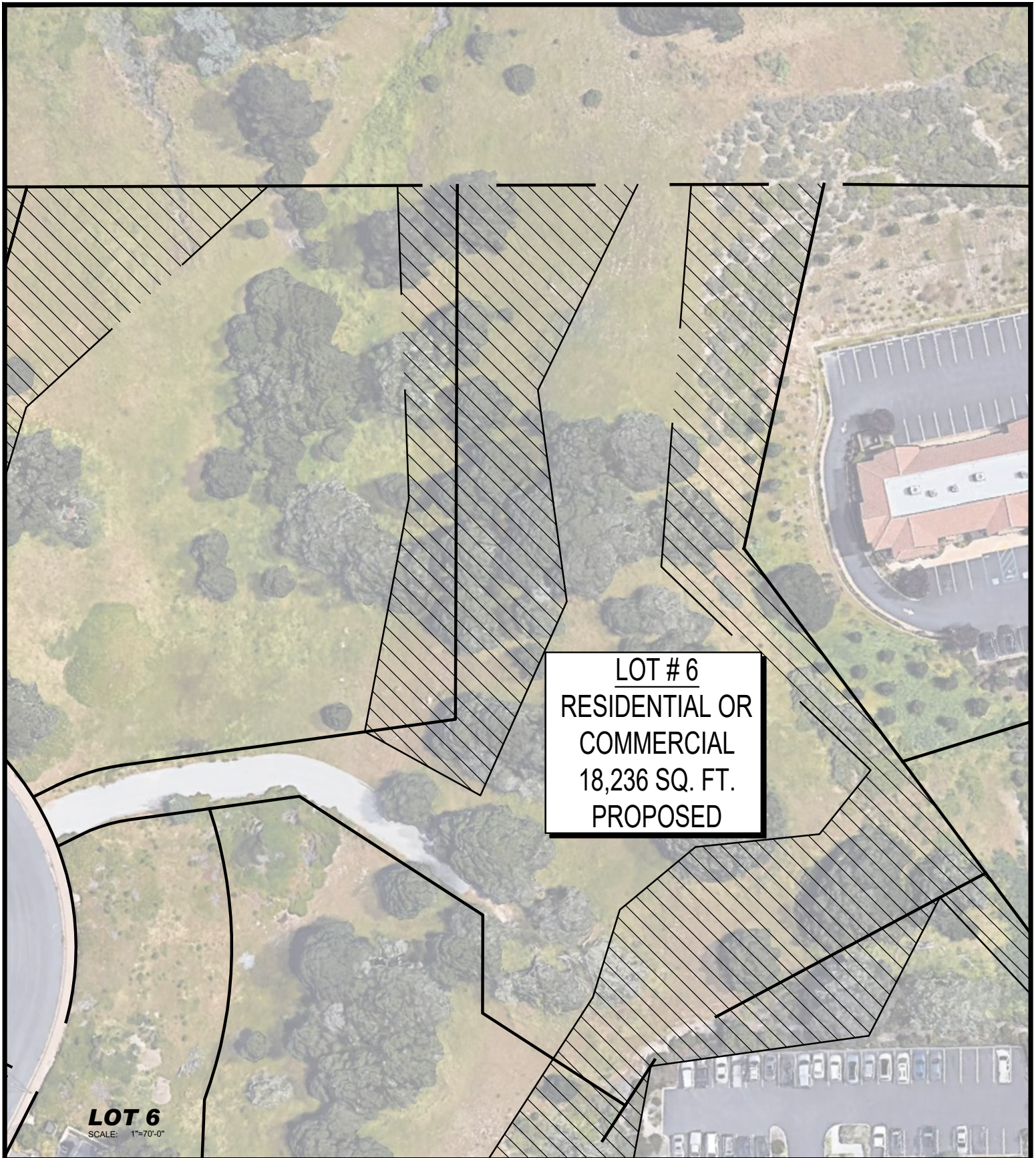
PROJECT NUMBER: 17098.1

SHEET NO.

4

4 OF 6





PROJECT:

# Laguna Seca Office Park Lot 6

Monterey, California 93940

SHEET TITLE:

LSOP GDP Exhibits B-G

DATE: 2/12/20

PROJECT NUMBER: 17098.1

SHEET NO.

# 5

5 OF 6





WALD RUHNKE & DOST  
ARCHITECTS LLP

PROJECT:

Laguna Seca Office Park  
Lot 7

Monterey, California 93940

SHEET TITLE:

LSOP GDP Exhibits B-G

DATE: 2/12/20

PROJECT NUMBER: 17098.1

SHEET NO.

6

6 OF 6

**EXHIBIT H**

Lot	Acreage			Existing/Approved SF	Proposed SF	Agree to LSOP GDP
	Gross	Scenic Easement	Usable			
1 *	0.68	0	0.68	8,810		
2**	1.79	0.295	1.495		11,260	11,260
3**	1.593	0	1.593		10,011	10,011
4	1.397	0.195	1.202		22,260	
5**	1.924	0.556	1.368		20,306	
6	2.292	1.15	1.142		18,236	
7	1.816	0.45	1.366		15,895	
8	0.561	0	0.561	7,444		
9	0.89	0.022	0.868	12,200		12,200
10	1.854	0.453	1.401	14,472		
	Portion of Lot 10 - Unit 103					1,012
	Portion of Lot 10 - Unit 104					936
11	0.712	0.084	0.628	12,113		12,113
12	1.106	0.204	0.902	12,010		
13	2.103	0.867	1.236	18,905		
14	2.25	1.349	0.901	10,617		
15	0.91	0.444	0.466	11,317		11,317
16	1	0.008	0.992	18,425		18,425
17	0.951	0.162	0.789	5,471		
18	0.75	0.149	0.601	7,498		
19*	2.611	1.077	1.534	13,696		
	Portion of Lot 19 - Unit 002					5,575
				152,978	97,968	82,849
	<b>TOTAL MAXIMUM SF FOR LSOP</b>			<b>260,000</b>		

**KEY**

<b>Outside 2019 ALUCP Zone 4</b>
<b>Consistent with 2019 ALUCP Zone 4 by operation of law (PUC Section 21676(d) and 2019 ALUCP Policy 4.1.11.2)</b>
<b>Referenced to the 2019 ALUCP Zone 4</b>
* Lots 1 and 19 are also subject to LSOP CC&Rs that exclude residential use on those lots.
** Lots 2, 3, and 5 have existing Use Permits for non-residential use. The owners, as part of this application, are agreeing that use on these parcels may be for residential and/or non-residential development, subject to the LSOP GDP.
All lots are subject to the LSOP CC&Rs that exclude residential use on Lots 1 and 8-19
This chart will be updated periodically by the RMA-Planning for tracking purposes.



**WR&D**  
**WALD RUHNKE & DOST**  
**ARCHITECTS LLP**

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LAGUNA SECA OFFICE PARK  
GENERAL DEVELOPMENT PLAN

A.P.N. NO.:

MONTEREY, CA 93940

JOB NO.  
17098.1

PRINT DATE:

PLOT DATE: 7.7.2020

DRAWN BY:

CHECKED BY:

SET ISSUED:  
02/11/2020 UPDATED  
PROPOSED SF's @ LOTS 2 & 3


SHEET NAME:

ALUC ZONE  
OVERLAY  
SITE PLAN

SHEET NO.:

A2

FILE NAME.:



# OVERALL OFFICE PARK SITE PLAN WITH ALUC ZONE 4 BOUNDARY OVERLAY