



Legislation Details (With Board Report)

File #:	20-1028	Name:	September Ranch Final Map
Type:	General Agenda Item	Status:	Passed - RMA Administration
File created:	12/1/2020	In control:	Board of Supervisors
On agenda:	12/8/2020	Final action:	12/8/2020

Title:

a. Approve the Final Map for Phase 1 of the September Ranch Subdivision which includes dividing 540-acres of the total 891 acres into 40 parcels consisting of 33 conforming lots to be developed with market rate homes, a parcel for inclusionary housing (Parcel F), the equestrian parcel (Parcel E), public use parcel (Parcel B), open space parcels (Parcels A & D), park parcel (Parcel C), and a parcel for future Phase 2 which may be used for inclusionary housing (Parcel G);

b. Approve and accept a Conservation & Scenic Easement Deed conveyed to the County over Parcel "B" restricting that parcel to open space for future public facilities as required by Condition of Approval #3 of Combined Development Permit for the September Ranch Subdivision Project, and authorize the Chair to sign the Acceptance and Consent to Recordation;

c. Approve and accept a Conservation & Scenic Easement Deed conveyed to the County over those portions of the property outside of the building and/or development envelopes as required by Condition of Approval #3 of Combined Development Permit for the September Ranch Subdivision Project, and authorize the Chair to sign the Acceptance and Consent to Recordation;

d. Approve and accept an Irrevocable Offer to Dedicate to Monterey County and authorize the Chair to sign the Acceptance and Consent to Recordation for:

1. "Parcel C" for park and recreational purposes (Condition #100);
2. A twenty (20) foot public recreational trail easement over the westerly boundary of the September Ranch Subdivision to provide public access from Carmel Valley Road to Jacks Peak County Park (Condition #101); and
3. "Parcel D" to be managed as part of Jacks Peak Park in perpetuity (Condition #106);

e. Approve the Subdivision Improvement Agreement for Phase 1 of the September Ranch Subdivision and authorize the Chair to execute the Agreement and to sign bank instructions for the \$6.5M deposit made by Carmel Reserve LLC for Financial Security for the Subdivision Improvement Agreement;

f. Accept the Tax Clearance Letter;

g. Accept the Subdivision Map Guarantee;

h. Approve the Inclusionary Housing Agreement and Authorize the Director of County Housing and Community Development to execute the agreement; and

i. Direct the Clerk of the Board to submit the Final Map and other associated documents to the County Recorder for filing for record upon satisfactory proof of deposit of the financial security for the Subdivision Improvement Agreement, subject to the collection from the applicant of the applicable recording fees.

[PLN110173/PLN050001 - Carmel Reserve LLC Phase 1 Final Map (September Ranch), approximately 2.5-miles east of Highway-1 on the north-side of Carmel Valley Road, between Canada Way and Valley Greens Drive (APN: 015-171-010-000)]

CEQA Compliance: Statutorily exempt per CEQA Guidelines sec. 15268(b)(3)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Attachment A - Memo to the Clerk of the Board, 3. Attachment B - Final Map, 4. Attachment C - Condition of Approval & Mitigation Measures Certification, 5. Attachment D - Conservation & Scenic Easement Deed over Parcel B", 6. Attachment E - Conservation & Scenic Easement Deed, 7. Attachment F - Irrevocable Offer to Dedicate, 8. Attachment G - Tax Clearance Letters, 9. Attachment H - Subdivision Map Guarantee, 10. Attachment I - Subdivision Improvement Agreement, 11. Attachment J - Bank Instructions for the Financial Security, 12. Attachment K - Inclusionary Housing Agreement, 13. Item No. 79 Completed Board Order

Date	Ver.	Action By	Action	Result
12/8/2020	1	Board of Supervisors		

- a. Approve the Final Map for Phase 1 of the September Ranch Subdivision which includes dividing 540-acres of the total 891 acres into 40 parcels consisting of 33 conforming lots to be developed with market rate homes, a parcel for inclusionary housing (Parcel F), the equestrian parcel (Parcel E), public use parcel (Parcel B), open space parcels (Parcels A & D), park parcel (Parcel C) , and a parcel for future Phase 2 which may be used for inclusionary housing (Parcel G);
- b. Approve and accept a Conservation & Scenic Easement Deed conveyed to the County over Parcel "B" restricting that parcel to open space for future public facilities as required by Condition of Approval #3 of Combined Development Permit for the September Ranch Subdivision Project, and authorize the Chair to sign the Acceptance and Consent to Recordation;
- c. Approve and accept a Conservation & Scenic Easement Deed conveyed to the County over those portions of the property outside of the building and/or development envelopes as required by Condition of Approval #3 of Combined Development Permit for the September Ranch Subdivision Project, and authorize the Chair to sign the Acceptance and Consent to Recordation;
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 - 1. "Parcel C" for park and recreational purposes (Condition #100);
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 - 3. "Parcel D" to be managed as part of Jacks Peak Park in perpetuity (Condition #106);
- e. Approve the Subdivision Improvement Agreement for Phase 1 of the September Ranch Subdivision and authorize the Chair to execute the Agreement and to sign bank instructions for the \$6.5M deposit made by Carmel Reserve LLC for Financial Security for the Subdivision Improvement Agreement;
- f. Accept the Tax Clearance Letter;
- g. Accept the Subdivision Map Guarantee;
- h. Approve the Inclusionary Housing Agreement and Authorize the Director of County Housing and Community Development to execute the agreement; and
- i. Direct the Clerk of the Board to submit the Final Map and other associated documents to the County Recorder for filing for record upon satisfactory proof of deposit of the financial security for the Subdivision Improvement Agreement, subject to the collection from the applicant of the applicable recording fees. [PLN110173/PLN050001 - Carmel Reserve LLC Phase 1 Final Map (September Ranch), approximately 2.5-miles east of Highway-1 on the north-side of Carmel Valley Road, between Canada Way and Valley Greens Drive (APN: 015-171-010-000)]

CEQA Compliance: Statutorily exempt per CEQA Guidelines sec. 15268(b)(3)

RECOMMENDATION:

It is recommended that the Monterey County Board of Supervisors:

- a. Approve the Final Map for Phase 1 of the September Ranch Subdivision which includes dividing 540-acres of the total 891 acres into 40 parcels consisting of 33 conforming lots to be developed with market rate homes, a parcel for inclusionary housing (Parcel F), the equestrian parcel (Parcel E), public use parcel (Parcel B), open space parcels (Parcels A & D), park parcel (Parcel C), and a parcel for future Phase 2 which may be used for inclusionary housing (Parcel G);
- b. Approve and accept a Conservation & Scenic Easement Deed conveyed to the County over Parcel "B" restricting that parcel to open space for future public facilities as required by Condition of Approval #3 of Combined Development Permit for the September Ranch Subdivision Project, and authorize the Chair to sign the Acceptance and Consent to Recordation;
- c. Approve and accept a Conservation & Scenic Easement Deed conveyed to the County over those

- portions of the property outside of the building and/or development envelopes as required by Condition of Approval #3 of Combined Development Permit for the September Ranch Subdivision Project,
and authorize the Chair to sign the Acceptance and Consent to Recordation;
- d. Approve and accept an Irrevocable Offer to Dedicate to Monterey County and authorize the Chair to sign the Acceptance and Consent to Recordation for:
 - 1. “Parcel C” for park and recreational purposes (Condition #100);
 - 2. A twenty (20) foot public recreational trail easement over the westerly boundary of the September Ranch Subdivision to provide public access from Carmel Valley Road to Jacks Peak County Park (Condition #101); and
 - 3. “Parcel D” to be managed as part of Jacks Peak County Park in perpetuity (Condition #106);
 - e. Approve the Subdivision Improvement Agreement for Phase 1 of the September Ranch Subdivision and authorize the Chair to execute the Agreement and authorize the Chair to sign bank instructions for the \$6.5M deposit made by Carmel Reserve LLC for Financial Security for the Subdivision Improvement Agreement;
 - f. Accept the Tax Clearance Letter;
 - g. Accept the Subdivision Map Guarantee;
 - h. Approve the Inclusionary Housing Agreement and Authorize the Director of County Housing and Community Development to execute the agreement; and
 - i. Direct the Clerk of the Board to submit the Final Map and other associated documents to the County Recorder for filing for record upon satisfactory proof of deposit of the financial security for the Subdivision Improvement Agreement, subject to the collection from the applicant of the applicable recording fees.

PROJECT INFORMATION:

Proposed CEQA Action: Statutorily Exempt per California Environmental Quality Act (CEQA) Guidelines section 15268(b)(3) - Approval of Final Subdivision Maps.

Agent: Anthony Lombardo

Owner: Carmel Reserve LLC

Plan Area: Carmel Valley Master Plan Area

Flagged and Staked: No

SUMMARY:

On November 9, 2010, the Monterey County Board of Supervisors approved a Combined Development Permit for the September Ranch Subdivision project, which included a Vesting Tentative Map for the merger of two lots totaling 891 acres and re-subdivision into 73 market-rate residential lots, and 22 affordable housing lots for a total of 95 residential units; a 20.2 acre existing equestrian facility and accessory structures related to that use (Parcel E); 300.5 acres of common open space (Parcels A & C); 242.9 acres of public open space for donation/dedication (Parcel D); 250.7 acres of private open space (conservation and scenic easement) on each lot outside of the building envelope; 6.9 acres of open space reserved for future public facilities (Parcel B) (PLN050001/Board Resolution No. 10-312). The owner of the property (“applicant”) is now Carmel Reserve LLC, the successor in interest to September Ranch Partners. The action now before the Board is to approve the Final Map for Phase 1 of the subdivision which includes dividing 540-acres of the total 891 acres into 40 parcels consisting of 33 conforming parcels to be developed with market rate homes, two parcels for construction of the 22 inclusionary housing units (Parcels F & G), the equestrian parcel (Parcel E), public use parcel (Parcel B), open space parcels (Parcels A & D), and Parcel C which will be used for park purposes. Pursuant to Monterey County Code section 19.03.070, the Board of Supervisors is the Appropriate Authority to approve the Final Map. Acceptance and recording of a final map is a ministerial action in which the Board considers if the final map conforms to the conditionally approved tentative map, including conformance with

all required conditions.

The Vesting Tentative map was subject to 193 conditions of approval. Many of the conditions require compliance before the Final Map can be approved for filing with County Recorder. Some conditions apply to development of the project, after the map is recorded. The applicant has complied with all of the Conditions of Approval applicable to Phase 1 Final Map. In accordance with the current Condition of Approval and Mitigation Monitoring and Reporting Program, all reviewing County agencies have confirmed that all Conditions of Approval applicable to accepting/recording the Phase 1 Final Map have been fully satisfied. Since the final map will be in two phases, conditions will also need to be cleared prior to recordation of the Phase 2 Final Map when it is ready to be approved by the Board. Attached to this report are the Department/Agency Condition of Approval & Mitigation Measures Compliance Certification Forms (CCFs) and supporting documentation which have been entered into the County's electronic database: Accela Automation, also known as "Accela" (**Attachment C**). Staff have confirmed that all conditions of approval required for clearance prior to approval of the Phase 1 Final Map have been completed and that the Phase 1 Final Map is in substantial conformance to the approved Vesting Tentative Map. A handful of conditions involved additional work to ensure the intent of the conditions were met (water, traffic, inclusionary housing, security/bond assurance). The discussion below explains how they have been met for the acceptance of this Final Map.

The County's condition compliance program assigns Planning as lead for this process. Planning staff has confirmed that all conditions of approval required for clearance prior to filing the Final Map with the County Recorder have been completed.

The Final Map is in substantial compliance with the approved Vesting Tentative Map which creates 33 conforming parcels to be developed with market rate homes, and one (1) conforming parcel (Parcel F) to be developed with inclusionary housing units. The Inclusionary Housing Agreement affords an option to utilize a second parcel (Parcel G) for inclusionary units if needed as part of Phase 2.

Staff recommends that the Board approve the subject Phase 1 Final Map and direct Clerk to file the map for filing with the County Recorder together with the associated legal documents, subject to the submittal of the applicable recording fees by the property owner applicant.

DISCUSSION

Vesting Tentative Map

On June 16, 1995, September Ranch Partners filed an application for a Combined Development Permit (PC95062, September Ranch Partners) including a Vesting Tentative Map. The application was deemed completed on July 13, 1995. On December 1, 1998, the Board of Supervisors certified an EIR and approved a Vesting Tentative Map, including creating 94 market rate units and 15 inclusionary housing units (PC95062, September Ranch Partners). In litigation brought by Save Our Peninsula Committee, and Sierra Club, the Superior Court held that the EIR was legally inadequate, and in 2001, the Court of Appeal affirmed the Superior Court determination that additional analysis was needed with respect to water supply baseline, water rights, water-related mitigation, and growth-inducing impacts. The County prepared a Revised EIR, and on December 12, 2006, the County Board of Supervisors certified a Revised Environmental Impact Report and approved the 73/22 project alternative. (Resolution No. 06-363.) This second County approval was challenged in court by Sierra Club and Helping Our Peninsula's Environment. In September 2008, the Superior Court held that the EIR was legally sufficient under the California Environmental Quality Act except as to issues of water demand, water cap, and cumulative impacts as to water demand. In compliance with the court judgment, the Board of Supervisors vacated the certification of the Final Revised EIR, voided approval of the project entitlements, and then prepared a revised Water Demand Analysis, fulfilling the Court's direction for additional

analysis of water demand, water cap, and cumulative impacts as to water demand. On November 9, 2010 the Board of Supervisors certified the Final Revised Environmental Impact Report including the final revised Water Demand Analysis and approved the Combined Development Permit and Vesting Tentative Map for the September Ranch Subdivision Project (the 73/22 Project Alternative) (Resolution No. 10-312).

On March 27, 2013, the County of Monterey Planning Commission approved a 4-year extension of the Vesting Tentative Map beyond the original expiration date of November 9, 2014, to a date of November 9, 2018. Subsequent state legislation automatically extended the Vesting Tentative Map to November 9, 2020. Although the Vesting Tentative Map was set to expire on November 9, 2020, the map has not expired because the owner timely applied on September 4, 2020 for extension of the map. The September Ranch Vesting Tentative Map is still eligible for an additional two-year extension of the allowable six (6) year discretionary extension under the Map Act. However, County action to extend the map is now not necessary because recently enacted state legislation (AB1561) that will go into effect on January 1, 2021 automatically extends the Vesting Tentative Map until May 9, 2022.

The subject property of the September Ranch Subdivision consists of two existing parcels totaling 891 acres that the approved Vesting Tentative Map proposed to merge and then re-subdivide through two separate phases. The Final Map for Phase 1 now before the Board creates the individual lots of Phase 1. It also creates: a parcel for Phase 1 (Parcel F) along with a parcel for future Phase 2 (Parcel G) which may both be used for inclusionary housing; the equestrian parcel (Parcel E); public use parcel (Parcel B); open space parcels (Parcels A & D); and Parcel C which is intended to be used for park purposes. Certain parcels created by the Final Map are required by conditions of approval to be rezoned. Parcels A, B and C will be rezoned to "Open Space" (Condition No. 30), and the residential parcels which are created will be rezoned to include a "B-6" overlay to prevent future subdivision (Condition No. 37). Condition No. 43 requires Parcel E to be rezoned with an Historic Resource or "HR" overlay if the structures associated with the Equestrian Center were found to be historic. However, a Phase I historical assessment prepared by Dr. Anthony Kirk on June 19, 2018 concluded that none of the structures were historically significant, therefore the zoning modification of Parcel E is not required. Conditions No. 30 and 37 both require the owner/developer to submit a request/application to the County for the associated rezoning action to ultimately be decided upon by the Board of Supervisors. These requests have been received and will be processed to Board after the lots are created by the Final Map. The Final Map for Phase 2 of the September Ranch Project, which will consist of the remaining 40 residential lots and development of the equestrian parcel, will need to be approved by the Board of Supervisors prior to expiration of the Vesting Tentative Map, which could be as late as May 9, 2024, if the owner were to apply for and County were to grant the remaining two years of discretionary extension.

Water Supply

Condition of Approval No. 40 of the Combined Development Permit provides: *"The applicant shall be prohibited from hooking up to the California -American Water Company System. The CC&Rs shall state that neither the water system nor any owner or group of owners shall request or receive a water supply from Cal-Am or actually be supplied water by Cal-Am."* (Condition 40). Condition No. 120 requires the owner/subdivider to establish a mutual water company to serve potable water to all of the development associated with September Ranch from the existing wells on site.

As a result of changes in state law since approval of the Vesting Tentative Map (SB 1263, enacted in 2016), the State Water Resources Control Board (SWRCB) disfavors the formation of new mutual water companies to supply water to a subdivision of this size, and the SWRCB required Carmel Reserve LLC to provide assurances that the water system for the subdivision had technical, managerial and financial (TMF) capacity before the state would issue a water system permit. Since the conditions restrict connecting to the Cal-Am system, the owner/subdivider explored options with entities having the TMF capabilities to operate a system of this size.

While Carmel Area Wastewater District (CAWD) has the capabilities, and expressed interest, September Ranch lies within the Cal-Am service boundary. As such, CAWD is prohibited from operating the system. A series of meetings were held between the owner/subdivider and staff from Monterey County, the Monterey Peninsula Water Management District (MPWMD), and the State Water Resources Control Board (SWRCB). Ultimately, the solution acceptable to the State Water Resources Control Board and only viable solution given that the subdivision is in Cal Am's service area was for owner to create the project water system, called the One Carmel Mutual Water Company (OCMWC), and Cal-Am to operate and manage the OCMWC. Cal Am and Carmel Reserve LLC entered into a MOU whereby Cal Am has agreed to operate the project water system, with option to own the system, but Cal Am is prohibited from physically connecting the September Ranch water system and Cal-Am's existing water system unless SWRCB orders are modified or lifted and unless and until County were to amend Condition of Approval No. 40 and any other applicable conditions of approval.

As stated in Condition 45, each Owner must comply with the maximum permitted water use allowed on the Owner's Lot as set forth in the Water Use Plan required by that condition.

As previously stated, Cal-Am is only the operator of the OCMWC, which supplies water from wells located on the September Ranch property. No portion of the system is connected to the Cal-Am system nor is such a connection allowed without an amendment to Condition of Approval No. 40 by the Board of Supervisors. These requirements are explicit in the afore-referenced MOU between Cal Am and Carmel Reserve LLC and in the September Ranch Covenants, Conditions and Restrictions (CCRs). The CCRs provide: *"Neither the OCMWC nor any Owner or group of Owners nor the Association shall request or receive a water supply from California American Water's (Cal-Am) offsite water sources, except that this Section shall not prohibit Cal-Am from operating and/or owning OCMWC as a physically separate system, so long as the water is supplied by wells within the Development and not from offsite sources. It is understood that offsite water sources are limited by State Water Resources Control Board Order Nos. 95-10, WR 2009-0060, and WR 2016-0016 and any subsequent related orders (the "Orders") and prohibited by the Conditions of Approval, including Condition of Approval No. 40. The OCMWC shall not physically connect to any Cal-Am water system unless and until both of the following have occurred: a) the limitations identified in any applicable orders, decisions, or rulings, including the Orders, are modified or lifted and, to the extent it is required by law, the California Public Utilities Commission has provided any necessary authorization; and b) the County has approved an amendment to Condition No. 40 and, as applicable, other Conditions of Approval. Prior to the establishment of any physical connection between the OCMWC and existing Cal-Am water system, the Association (representing Owners) and Declarant (to the extent Declarant has retained ownership of any portion of the Property) shall apply to the County to amend Condition of Approval No. 40 and, as applicable, other Conditions of Approval."*

Staff determination is that applicant is in substantial compliance with Condition No. 40. Therefore, operation of the OCMWC by Cal-Am satisfies the applicable conditions of approval for the September Ranch Final Map.

If in the future, Cal Am were to pursue connection of the OCMWC to any Cal-Am existing water system, all of the following would have to occur:

1. The limitations identified in any applicable orders, decisions, or rulings, including the SWRCB Orders, would need to be modified or lifted and, to the extent it is required by law, the California Public Utilities Commission would need to provide any necessary authorization; and
2. The County would need to approve an amendment to Condition No. 40 and, as applicable, other Conditions of Approval. This would require an application by the developer and/or Homeowners' Association to the County to amend Condition of Approval No. 40 and, as applicable, other Conditions of Approval.
3. The amendment to conditions of approval would be a discretionary action, subject to public hearings and appropriate environmental review under the California Environmental Quality Act (CEQA).

Traffic

Mitigations incorporated in the certified project EIR require the owner/developer to place a traffic signal at the T-intersection of Carmel Valley Road and Brookdale Drive at their expense (Condition 157). This mitigation was incorporated to reduce the traffic impacts from the September Ranch driveway directly across from Brookdale Drive to a less than significant level.

In 2019, when the current owner/developer began work on condition compliance to bring the Final Map forward, public outreach was conducted in Carmel Valley. Following several meetings with residents, the Carmel Valley Association (CVA) and the Carmel Valley Road Advisory Committee (CVRAC), a general consensus was reached that a roundabout should be explored as an option to control traffic at this intersection rather than a traffic light. Subsequently, the owner/developer funded (with the amount to be credited towards the developer's overall Carmel Valley Traffic Improvement Fund fee requirements) design and studies by Kimley Horn traffic engineers to determine the viability of a roundabout at the intersection of Carmel Valley Road and Brookdale Drive. Ultimately, it was determined that a roundabout was not an ideal solution at this location. Kimley Horn found that a roundabout would not improve the overall level of service without a significantly larger footprint than the original traffic light. This was due in part to the unbalanced level of traffic at the four entrances to the traffic circle. CVRAC and the September Ranch Subcommittee of the CVRAC, recommended exploring channelization of the intersection (i.e.: turn lanes) similar to the Tehama entrance on Carmel Valley Road near the Wagon Wheel Restaurant. Again, the owner/developer funded Kimley Horn to design and study channelization of this intersection. It was ultimately determined by the County, in coordination with the CVRAC and September Ranch Subcommittee, that channelization could be a feasible alternative to control traffic while also remaining within the same general footprint as the previously approved traffic light.

Consistent with the condition language, the Subdivision Improvement Agreement is based on the construction of a traffic light at the intersection of Carmel Valley Road and Brookdale Drive, but recognizes there could be an option to develop the channelization instead. In order to modify the design from a traffic light to channelization as recommended by the CVRAC, the County would need to process an application to amend any and all conditions of approval which require a traffic signal to be constructed, which may also include amending associated agreements. If an application was received, the amendments would be subject to environmental review under CEQA to evaluate any new potential impacts of amending conditions.

Inclusionary Housing

At the time the original September Ranch Subdivision application was deemed complete (PLN050001) in 1995, the County's Inclusionary Housing Ordinance then in effect (Ordinance #3419/Chapter 18.40 of County Code), required that a 15% inclusionary housing contribution of proposed standard subdivisions. Under Chapter 18.40, the owner/developer was required as a condition of approval to execute an Inclusionary Housing Agreement prior to recordation of the Final Map (Condition No. 48). In all, the 2010 September Ranch approval was for a total of 95 residential units. Pursuant to Ordinance No. 3419, the 15% obligation for the entire subdivision (Phases 1 and 2) was calculated as fifteen (15) inclusionary units. In addition to the required inclusionary units, the developer at the time also agreed to construct seven (7) units restricted to Workforce I income households. This brought the total number of inclusionary units to twenty-two (22) as required per Condition of Approval No. 48. Condition of Approval No. 48 requires a minimum of 15 inclusionary units and 7 Workforce I units. The Condition also requires the owner/developer to execute an Inclusionary Housing Agreement prior to recordation of the Final Map that specifies the type of unit, the level of affordability and the size of units, including number of bedrooms.

In a series of meetings between County staff and the owner/developer, discussions took place regarding the

number of units required to be constructed with multiple bedrooms. Language of Condition 48 does not specify the actual mix of one, two, three, and four-bedroom units; however, the EIR evaluated water use based on larger units. As such, the County's goal in these discussions was to ensure an appropriate mix of multi-bedroom units which could serve as housing for families. Ultimately, the owner/developer agreed that all twenty-two (22) inclusionary units would be a mix of two and three-bedroom units, and that at least five (5) of those would be three-bedroom units and any units with more than one bedroom would require 2 bathrooms.

All twenty-two (22) inclusionary units are intended to be constructed as part of Phase 1, on 'Parcel F'. However, given the owner/developer's agreement to construct larger units, the final design of the units may not allow for all of them to fit within the boundaries of Parcel F. To accommodate this possibility, the Inclusionary Housing Agreement recognizes that some units may be constructed on 'Parcel G' as part of Phase 2, which was also shown as having inclusionary units on the Vesting Tentative Map approved by the County. Construction of the first half of the inclusionary and workforce units (11 units) must be completed prior to the issuance of the 12th building permit for market rate units. Construction of the second half of the inclusionary and workforce units (22 total) must be completed prior to the issuance of the 41st building permit for market rate units (per Condition #36).

Financial Security for the Subdivision Improvement Agreement

The September Ranch subdivision project requires the construction of onsite and offsite improvements to provide for the orderly development of the property. The project's engineer has prepared improvement plans for the subdivision that have been reviewed and approved by the County. The engineer has estimated the cost of these improvements to be approximately \$12.3 million. Since these improvements have not been constructed before the filing of the final map, Chapter 19.13 of the Monterey County Code requires the owner (s) of the subdivision to enter into an agreement with the County to ensure that the improvements will be constructed as shown on the approved improvement plans. A Subdivision Improvement Agreement has been prepared for this project, as required, and is presented to the Board of Supervisors for approval.

Chapter 19.13 also requires the furnishing of security to ensure performance, payment of labor and materials, maintenance and warranty. The County Code provides that the security will be in the form of a bond, cash deposit, or instrument of credit, unless a different form of security is specifically authorized by the Board of Supervisors. Due to the unique circumstance of the owner/subdivider being overseas, the owner is not able to satisfy the security requirements through the form of a bond or instrument of credit, but is able to provide partial security in the form of a cash deposit in the amount of \$6.5 million held at a financial institution doing business in California with the beneficiary being the County of Monterey. Specific bank instructions have been drafted (**Attachment J**) to ensure the County may collect the deposited funds at any time upon written request and certification by the County that Carmel Reserve LLC has been determined to be financially incapable of fulfilling its obligations under the Subdivision Improvement Agreement. The Office of the County Counsel and the Resource Management Agency negotiated with the owner/subdivider. The resulting proposal, which is presented to the Board for authorization, is that the remaining approximately \$6 million in security be secured by second deed of trust on the September Ranch property subordinate only to the existing first deed of trust. The owner/developer has indicated they will be able to secure funding to fully bond the project once the Final Map is recorded. To protect the County's interests in the interim, a deed restriction has been executed and is to be recorded concurrently with the final map, to prohibit the sale of the entirety of the property or any individual lots created by the final map so long as the second deed of trust is in place. The purpose of this subdivision improvement agreement together with the combination of these two forms of security and the deed restriction, is to ensure that the subdivision improvements will be constructed in a timely manner and in conformance to the approved improvement plans.

CEQA

The acceptance of a Final Map is Statutorily Exempt per California Environmental Quality Act (CEQA) Guidelines section 15268 (b)(3) as a ministerial action that requires no discretionary action by the appropriate authority.

OTHER AGENCY INVOLVEMENT:

The following agencies have reviewed the Final Map and compliance with conditions of approval:

Monterey County Environmental Health Bureau

County-Public Works

County-Environmental Services

County-Parks

Monterey County Regional Fire

Office of County Counsel

The Office of County Counsel has approved documents as to form.

FINANCING:

Funding for staff time associated with processing condition compliance for this project was included in the FY2020-21 Adopted Budget for HCD-Planning since an initial deposit was received from the owner/developer. Staff time exceeded the original deposit amount of \$19,471.42. On September 30, 2020, the owner/developer provided a check to HCD-Finance for \$71,932.17 to cover the cost of actual county staff time spent over the initial deposit amount and estimated time left to complete condition compliance. This amount was taken in as a deposit, so any funds remaining after completion of condition compliance will be returned to the owner/developer.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

This action represents effective and timely response to our HCD customers. Processing this Final Map in accordance with all applicable policies and regulations also provides the County accountability for proper management of our land resources, while providing a new economic opportunity.

Check the related Board of Supervisors Strategic Initiatives:

Economic Development

Administration

Health & Human Services

Infrastructure

Public Safety

Prepared by: Brandon Swanson, Planning Services Manager

Approved by: Carl P. Holm, AICP, Director, Housing and Community Development

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

Attachment A - Memo to the Clerk of the Board

Attachment B - Final Map

Attachment C - Condition of Approval, Mitigation Measures Certification Forms & Reports

Attachment D - Conservation & Scenic Easement Deed over Parcel "B"

Attachment E - Conservation & Scenic Easement Deed over property outside of the building and/or development envelopes

Attachment F - Irrevocable Offer to Dedicate:

- “Parcel C” for park and recreational purposes
- A twenty (20) foot public recreational trail; and
- “Parcel D” to be managed as part of Jacks Peak Park

Attachment G - Tax Clearance Letters

Attachment H - Subdivision Map Guarantee

Attachment I - Subdivision Improvement Agreement

Attachment J - Bank Instructions for the Financial Security for the Subdivision Improvement Agreement

Attachment K - Inclusionary Housing Agreement

cc: Front Counter Copy; Brandon Swanson, Planning Services Manager; Carmel Reserve LLC, Property Owner, Anthony Lombardo, Agent; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); Carmel Valley Association, John H. Farrow; Janet Brennan; Project File PLN110173.