

## MONTEREY COUNTY PLANNING COMMISSION

<b>Meeting: May 12, 2004 @ 9:55 a.m.</b>	<b>Agenda Item: 6</b>
<b>SUBJECT: Potrero Area Subdivision, PLN010001</b> - Combined Development Permit consisting of a Vesting Tentative Map to allow the division of a 1,286 acre property (currently four parcels) into 29 lots ranging in size from 14.47 to 67.21 acres, grading of approximately 29,600 cubic yards, a Use Permit to allow for the removal of approximately 295 trees and a Use Permit to allow for limited development on slopes greater than 30 percent.	
<b>LOCATION:</b> The site is located in the Potrero Creek area of the Santa Lucia Preserve (Rancho San Carlos), east of Rancho San Carlos Road and west of Robinson Canyon Road, approximately five miles south of Monterey, and three miles inland from the Pacific Ocean.	
<b>ASSESSOR'S PARCEL NUMBER(S):</b> 239-102-001-000; 239-102-002-000; 239-102-003-000; and 239-101-032-000.	
<b>PLAN AREA:</b> The majority of the project site, including 1,146 acres and 26 of the project's 29 lots, is located in the Carmel Valley Master Plan (CVMP) area. The remaining 140 acres and three lots are located within the Greater Monterey Peninsula Area Plan (GMPAP) area.	
<b>FLAGGED AND STAKED:</b> No	
<b>ZONING DESIGNATION:</b> CVMP area: RG-D (Rural Grazing/Design Control), which allows a density of one unit per 10 acres, with design control. GMPAP area: RC/40-D-S (Resource Conservation, with a Design Control (D)/Site Plan review (S) overlay), which allows a density of one unit per 40 acres.	
<b>CEQA ACTION:</b> A Final Supplemental EIR (FSEIR) has been prepared.	
<b>DEPARTMENT:</b> Planning and Building Inspection.	

### **RECOMMENDATION:**

Staff recommends that the Planning Commission:

- 1) Review and consider the proposed Potrero Area subdivision from a technical standpoint pursuant to Title 19, Chapter 19.07 of the Monterey County Code, (specifically to consider subdivision design, General Plan consistency, and water source capacity/water quality);
- 2) Accept the preliminary findings (**Exhibit B**) and conditions (**Exhibit C**), including those recommended by the Subdivision Committee, regarding technical matters, design, General Plan and Master Plan consistency, and source capacity and water quality;
- 3) Recommend that the Board of Supervisors complete the subdivision scoring and allocation process.

### **SUMMARY**

Chapter 19.07 of the Subdivision Ordinance requires that subdivisions in Carmel Valley undergo a scoring process, also known as a Preliminary Project Review Map. This chapter requires that subdivisions be scored and lots allocated by the Board of Supervisors prior to commencing the Tentative Map process. The Subdivision Committee

considered the subdivision for technical matters on April 29, 2004 and recommended the attached findings and conditions.

The role of the Planning Commission at this stage of the process is to review the recommendation of the Subdivision Committee (preliminary findings and conditions), consider subdivision design and consistency with Plan policies, and confirm water source capacity and water quality. The Planning Commission will NOT consider the scoring of the subdivision, which has been completed by the Citizens Subdivision Evaluation Committee (Carmel Valley LUAC).

Staff recommends findings that the property is physically capable of supporting the type and density of development with a sustainable water supply, adequate septic disposal sites, and sites capable of supporting single-family residential development.

## **DISCUSSION**

See **Exhibit A**.

## **OTHER AGENCY INVOLVEMENT**

- Monterey Peninsula Water Management District
- Environmental Health
- Public Works Department
- Carmel Valley Fire Protection District
- Parks Department
- Housing and Redevelopment
- Carmel Valley Land Use Advisory Committee
- Sheriff's Department
- Water Resources Agency

All of the above have reviewed the project as part of the environmental review process. Conditions recommended from the interdepartmental review process are included in Exhibit C.

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This report was prepared by Tad Stearn, Pacific Municipal Consultants, and Mike Novo, Planning and Building Services Manager.

Attachments: Exhibit "A" Discussion  
Exhibit "B" Recommended Findings and Evidence (Preliminary)  
Exhibit "C" Recommended Conditions of Approval (Preliminary)  
Exhibit "D" Subdivider's Statement

Exhibit "E" Vicinity Map  
Exhibit "F" Tentative Subdivision Map  
Exhibit "G" Land Use Plan and Policy Consistency Matrices

cc: Planning Commissioners; County Counsel; MPWMD; Gillian Taylor, Sierra Club; David Dilworth, HOPE; Lisa Duggan; Mary Ann Matthews, CNPS; Linda Smith, Monterey Pine Forest Watch; Beverly G. Bean, League of Women Voters; Pacific Municipal Consultants; City of Carmel; Applicant (2); Brian Finegan; Owners

## **EXHIBIT "A"** **DISCUSSION**

**Property Description:** The 1,286-acre Potrero Area consists of a series of ridges and valleys in the general vicinity and on either side of Potrero Creek. The entire site is located south of Carmel Valley Road and the Carmel River, near the main entrance to Santa Lucia Preserve at Rancho San Carlos Road. The environmental setting of the site contains dramatic topography, impressive views, a number of different micro-climates, a documented history and pre-history, and a diversity of biological communities. The project site is located in the northern section of the Santa Lucia Preserve and access to the site is provided primarily by Rancho San Carlos Road and Robinson Canyon Road. Internal access is provided by three existing subdivision roads, as well as two existing ranch roads proposed for improvement.

**Project Description:** The project consists of the subdivision of 1,286 acres into 29 residential lots, ranging in size from 14.47 to 67.21 acres. The project site is located within the 20,000-acre Santa Lucia Preserve and its subdivision and development were anticipated in the Santa Lucia Preserve Comprehensive Development Plan (CDP), which was approved in its current form in 1997 (Resolution 97-360). The development of the Potrero Area was included within the build out projections of the CDP.

The project site contains both RG (Rural Grazing) and RC (Rural Conservation) zoning designations. As such, development may occur at densities of ten acres per unit and 40 acres per unit, respectively. As a result, 26 of the lots will be a minimum of ten acres in size, and three of the lots will be a minimum of 40 acres in size. The proposed lot sizes are consistent with the requirements of their zoning designations and Title 21. Consistent with the development approach required by the approved CDP, individual sites within the Potrero subdivision will be developed within designated "homeland" areas, with the remainder of the privately owned parcels (approximately 94% of the project) designated as permanent open space.

Common improvements within the subdivision include extension of the approved Santa Lucia Preserve water supply and distribution system, utilities, and the completion of the roadway system to provide access to the homeland areas within the subdivision. This area will be served by individual septic systems.

**Environmental Review** An Environmental Impact Report (EIR) was prepared and certified for the Santa Lucia Preserve Comprehensive Development Plan in 1996 (with an Addendum in 1997). The Comprehensive Development Plan recognized that additional, more detailed environmental review was necessary to evaluate subdivision and eventual development of the Potrero Area. A Supplemental Environmental Impact Report (SEIR) has therefore been prepared for the Potrero Area Subdivision. The Draft Supplemental EIR (DSEIR) was circulated for public review in September-October 2003. The Final Supplemental EIR (FSEIR) has been prepared. As a Supplemental EIR, the Potrero Area Subdivision EIR incorporates specific mitigation measures from the 1997 Santa Lucia Preserve EIR when they are applicable.

**Preliminary Project Review for Subdivision Maps in Residential Allocation Zones.**

The project review process for the Potrero Area Subdivision is subject to Title 19, Chapter 19.07 of the Monterey County Subdivision Ordinance. As the project is located within Carmel Valley, a Residential Allocation Zone, it is subject to the County's subdivision scoring and allocation process. Scoring is conducted by a Citizen's Subdivision Evaluation Committee, which in this case is the Carmel Valley Land Use Advisory Committee (LUAC). The LUAC concluded their scoring process for this subdivision in January 2004. It should be noted, however, that the Subdivision Ordinance states that scoring is only to be considered by the Board of Supervisors. The scoring process, or the evaluation of the scoring, is not a responsibility of the Planning Commission within this process. Rather, the Planning Commission's role is to consider the project from a technical standpoint, consider General and Master Plan consistency, consider design, determine the water source capacity and water quality meet requirements to serve the subdivision, and consider preliminary findings and conditions of approval.

Staff has taken a multi-step approach to implement the scoring process as outlined by the Subdivision Ordinance. The Subdivision Committee reviews the subdivision to ensure that the proposed lots are physically able to support residential construction. The Planning Commission then reviews that decision, as well as reviewing design, General Plan consistency and water source capacity and water quality. The Planning Commission would then make a recommendation to the Board of Supervisors that the subdivision could potentially be approved, from a technical standpoint, and that the scoring and allocation process can be completed by the Board.

The Subdivision Committee reviewed the project at a public hearing on April 29, 2004, and recommended preliminary findings and conditions.

The Planning Commission is required to determine, pursuant to Monterey County Code Section 19.07.020K that *"the source capacity and water quality for all lots proposed to be created through the subdivision meets the requirements of all applicable health and safety regulations prior to approval of the standard subdivision tentative map, or vesting tentative map, or tentative parcel map."*

Following consideration by the Subdivision Committee and Planning Commission, the Board of Supervisors will evaluate the score given to the subdivision, and hold an allocation hearing, an annual meeting, to confirm the subdivision and allocate the lots within the Carmel Valley Master Plan area. It should be noted that this system was originally established to weigh the merits of competing subdivisions. As subdivision within Carmel Valley is severely restricted, this process will be carried out, although there are no other subdivisions currently competing for the allocation.

Following this preliminary review, scoring and allocation process, the entire project will go back before the LUAC, and public hearings will be held at the Subdivision Committee and Planning Commission for EIR certification and consideration of the project. The recommendations at that time will include full consideration of the environmental review

documents, a complete set of findings, and the complete list of recommended conditions of approval/mitigation measures necessary to consider approval or denial of the project.

## **ANALYSIS**

For the purposes of consideration by the Planning Commission, staff has limited analysis of the Preliminary Project Review Map to those specific areas outlined in the Subdivision Ordinance. Staff's analysis is not intended to set forth the basis for project approval or denial at this time, except as it relates to physical suitability of the site and specific technical matters related to design, Plan consistency and water. The following factual information, as well as the preliminary Findings and Evidence and General Plan Consistency analysis (Exhibit "G"), should be helpful to the Planning Commission at this stage of project review:

### Application

The application for the Potrero Area Subdivision has been complete since 2001. All application requirements for a Preliminary Project Review Map pursuant to Chapter 19.07.020 of the Subdivision Ordinance have been satisfied. The subdivision of this property was anticipated within the approvals for the Santa Lucia Preserve CDP (Resolutions 93-115; 96-059; 96-060; 96-061; and 97-360). As such, the subdivision does not represent a new project or additional growth or development beyond what has been previously approved and anticipated by the County.

### Design

As the Potrero Area Subdivision represents the continued phased development of the Santa Lucia Preserve CDP, the subdivision design will be consistent with the final subdivision maps processed for the GMPAP portion of the CDP between 1998 and 2000. All development is required to conform to adopted guidelines, regulations and construction practices that apply to the entire Preserve. The design of the subdivision is consistent with the "clustering" of development areas in the least-environmentally sensitive areas of the site, consistent with the CDP approvals.

The application materials for the Potrero Area subdivision include technical information regarding water supply (hydrological study), wastewater disposal (percolation tests), tree removal (forest management plan), grazing plan, geotechnical studies, erosion control plans, biological resource evaluation and cultural resources study. These materials, together with the data submitted as part of the Vesting Tentative Map, are consistent with the form and content requirements of Chapter 19.07 of the Subdivision Ordinance. These reports, along with the EIRs prepared for the CDP and this project, demonstrate that the site is physically suitable for the type and density of the proposed project.

The proposed homelands (building envelopes) areas identified for each parcel are capable of providing septic sites for single family residences and accessory structures. Several of the lots will require an engineered system, but they are capable of being constructed on the parcels.

Twenty-one of the 29 lots proposed within the subdivision are located upon, in whole or in part, one of five ancient landslides. These landslides are categorized as “old”, having originated during the Pleistocene period when the climate was much wetter. The landslides are considered “at rest”, meaning they are at equilibrium with their present topography and considered stable and suitable for residential development. (Cleary Consultants, 1994 and 2000; Potrero DSEIR Section 6.0).

The Potrero Area has been planned for residential use as part of the Board of Supervisor’s previous findings and approvals for the Comprehensive Development Plan (Resolution 93-115). The land uses and development assumptions for the Potrero Area subdivision have not changed, and are therefore consistent with all previous approvals. The subdivision is also consistent with adopted goals and policies of the General Plan and Carmel Valley Master Plan, as demonstrated by Exhibit “G”.

#### Water

The water supply for the project is provided by a ranch-wide system that has been demonstrated to be a long-term sustainable water supply. The original project consideration for the entire Santa Lucia Preserve CDP demonstrated that ability. Annual reports have been submitted to the County since that time and the reports do not change that conclusion. The Draft and Final Supplemental EIR prepared for this project have determined that the original analysis remains valid and that the Preserve has an adequate supply of water to accommodate build out.

For additional discussion on water, see in particular DSEIR Chapters 8 and 9 and the FSEIR. Many of the comments received on the DSEIR related to water. Review of the submitted comments and the responses, along with the appendices attached to the FSEIR, present important information on the water supply and its effects on local creeks.

Based upon the above, Staff’s preliminary review finds the Preliminary Project Review Map and supporting application materials consistent with the requirements of the Subdivision Ordinance and finds that the subdivision is:

- a) Physically capable of supporting the proposed development;
- b) Consistent with applicable plans and policies;
- c) Of a functional design that is consistent with the environmental goals of the CDP and county policies; and
- d) Supported by a sufficient water source capacity with sufficient water quality to meet the requirements of all applicable health and safety regulations.

**EXHIBIT “B”**  
**RECOMMENDED FINDINGS AND EVIDENCE (PRELIMINARY)**

**1. FINDING:** The project proposed in this application consists of a Combined Development Permit and Vesting Tentative Subdivision Map (Preliminary Project Review/Vesting Tentative Map) for the subdivision of 1,286 acres into 29 lots (File # PLN 010001). As described in Condition #1 and as conditioned, the project will conform with the plans, policies, requirements and standards of the Monterey County Subdivision Ordinance (Title 19), the General Plan, Carmel Valley Master Plan, the Greater Monterey Peninsula Area Plan, and the Monterey County Zoning Ordinance (Title 21). The property is located south of Carmel Valley Road and the Carmel River, to the immediate east of Rancho San Carlos Road, Carmel Valley area (Assessors Parcel Nos. 239-102-001-000; 239-102-002-000; 239-102-003-000; and 239-101-032-000). The parcel is zoned RC/40-D-S (Resource Conservation, 40-acres per unit, with Design and Site Review Overlays) and RG-D (Rural Grazing/Design Control).

**EVIDENCE:** The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with:

- a) Monterey County General Plan;
- b) Carmel Valley Master Plan;
- c) Greater Monterey Peninsula Area Plan;
- c) Chapter 21.36 and 21.46 of the Monterey County Zoning Ordinance; and
- d) Monterey County Subdivision Ordinance (Title 19) December 2000.

**EVIDENCE:** The proposed development has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, Environmental Health Division, Parks and Recreation Department, the Housing and Redevelopment Agency, Sheriff’s Department and the Carmel Valley Fire Protection District. There has been no indication from these agencies that the site is not suitable for the proposed development. The Final Supplemental Environmental Impact Report demonstrates that no physical or environmental constraints exist that would indicate the site, as mitigated, is not suitable for the proposed development. Each agency has had opportunities to provide recommended conditions for subdivision improvements. See Draft Supplemental Environmental Impact Report (DSEIR) Chapter 3, in particular. Other DSEIR chapters discuss specific resource issues related to Plan policies and county regulations.

**EVIDENCE:** Written and verbal public testimony submitted at public meetings before the Carmel Valley Land Use Advisory Committee.

**EVIDENCE:** The on-site inspection of the subject parcel by the project planners on multiple dates between 2001 and 2003.

**EVIDENCE:** The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in the project file.

**EVIDENCE:** All structures and infrastructure necessary to serve the project are existing or will be installed as a component of this subdivision.

**EVIDENCE:** The project will conform with the requirements of the RC and RG zoning districts. See DSEIR Chapter 3. Visual impacts will be less than significant, as the building sites and roadways are either not visible or at a significant distance from existing public roadways. See DSEIR Chapter 12.

**EVIDENCE:** Previously adopted Resolutions for the Santa Lucia Preserve Comprehensive Development Plan (CDP), previously adopted Resolutions for Tentative and Final Maps within the GMPAP portions of the CDP, and supporting evidence for those approvals including the certified Final EIR for the Santa Lucia Preserve (1997).

**EVIDENCE:** DSEIR (September 2003), including Technical Appendices, and FSEIR (April 2004) for the Potrero Area Subdivision.

**EVIDENCE:** Appendix B of the DSEIR (Exhibit “G” of this staff report) which provides specific analysis and findings regarding project consistency with all applicable plans and policies.

**2. FINDING:** County staff and their consultants prepared a Supplemental Environmental Impact Report for the project in compliance with the California Environmental Quality Act (CEQA) and its Guidelines. The EIR provided substantial evidence that the project would not have significant environmental impacts, upon implementation of Mitigation Measures. The following evidence has been received and considered: All comments on the DSEIR; evidence in the record that includes studies, data and reports supporting the DSEIR; additional documentation requested by staff in support of the EIR findings; information presented during public hearings; DSEIR and FSEIR and staff reports that reflect the County’s independent judgment and analysis regarding the above referenced studies, data and reports; application materials, and expert testimony. Among the studies, data and reports analyzed as part of the environmental determination are the following:

1. Project Application / Plans (including all reports and attachments).
2. General Plan / Carmel Valley Master Plan / Greater Monterey Peninsula Area Plan / Santa Lucia Preserve Comprehensive Development Plan.
3. Camp Dresser & McKee, Inc. (CDM), *Comprehensive Hydrological Study*, March 1994 (as supplemented through 1997).
4. Denise Duffy & Associates (DDA), *Biological Assessment for the Potrero Area Subdivision of the Santa Lucia Preserve, County of Monterey, California*, July 2003.
5. Archaeological Consulting. *Cultural Resources Inventory and Preliminary Cultural Resources Management Plan for the Potrero*

*Area Subdivision of the Santa Lucia Preserve, Carmel Valley, California.* May 26, 2000; rev. December 21, 2000.

6. Cleary Consultants, Inc., *Geological and Geotechnical Investigation, the Potrero Area Subdivision of the Santa Lucia Preserve, Monterey County, California,* August 2000.
7. Dowling Associates, Inc., *Traffic Impact Analysis for the Potrero Area Subdivision of the Santa Lucia Preserve,* December 4, 2000, updated June 2003.

The Supplemental Environmental Impact Report reflects the independent judgment and analysis of the County based upon the findings and conclusions drawn in the Initial Study, previous relevant analysis, in consideration of testimony and information received to date, and scientific and factual data presented in evidence during the public review process. Conditions of project approval and/or mitigation measures have been identified and incorporated into the project to reduce all impacts to an insignificant level.

These conditions of project approval and/or mitigation measures will be included into the final recommended conditions of approval for the project.

The custodian of the documents and materials that constitute the record of proceedings upon which the certification of the DSEIR is based is the Monterey County Planning and Building Inspection Department located at 2620 1st Avenue, Marina, CA. No facts, reasonable assumptions predicated on facts, testimony supported by adequate factual foundation, or expert opinions supported by facts have been submitted that refute the conclusions reached by these studies, data, and reports. Nothing in the record alters the environmental determination, as presented by staff, based on investigation and the independent assessment of those studies, data, and reports.

**EVIDENCE:** The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in the project file.

**EVIDENCE:** Previously adopted Resolutions for the Santa Lucia Preserve Comprehensive Development Plan (CDP), previously adopted Resolutions for Tentative and Final Maps within the GMPAP portions of the CDP, and supporting evidence for those approvals including the certified Final EIR for the Santa Lucia Preserve (1997).

**EVIDENCE:** DSEIR (September 2003) and FSEIR (April 2004) for the Potrero Area Subdivision.

**3. FINDING:** The development of residential lots at the proposed densities is consistent with the zoning designations of the project site.

**EVIDENCE:** The land area including 26 residential lots that are located within the Carmel Valley Master Plan Area are zoned RG (Rural Grazing) and will

be developed at a total density of ten acres or more per unit. The land area including three residential lots that are located within the Greater Monterey Peninsula Area Plan area are zoned RC (Rural Conservation) zoning district and will be developed at a total density of 40 acres or more per unit.

**4. FINDING:** In approving the vesting tentative map, the decision-making body has balanced the housing needs of the County against the public service needs of its residents and available fiscal and environmental resources.

**EVIDENCE:** The project is in compliance with the requirements of the Inclusionary Housing Ordinance based on the affordable housing units provided elsewhere within the Santa Lucia Preserve.

**EVIDENCE:** Previously adopted Resolutions for the Santa Lucia Preserve Comprehensive Development Plan (CDP), previously adopted Resolutions for Tentative and Final Maps within the GMPAP portions of the CDP, and supporting evidence for those approvals including the certified Final EIR for the Santa Lucia Preserve (1997).

**5. FINDING:** The establishment, maintenance, or operation of the uses or structures applied for will not, under the circumstances of the particular case, be detrimental to 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 improvement in the neighborhood, or to the general welfare of the County.

**EVIDENCE:** The project as described in the application and accompanying materials was reviewed by the Department of Planning and Building Inspection, Environmental Health Division, Public Works Department, Water Resources Agency, Water Management District, Sheriff's Department and Carmel Valley Rural Fire District as part of the environmental review process. The respective departments 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; or the County in general.

**EVIDENCE:** Materials in file PLN010001.

**EVIDENCE:** Previously adopted Resolutions for the Santa Lucia Preserve Comprehensive Development Plan (CDP), previously adopted Resolutions for Tentative and Final Maps within the GMPAP portions of the CDP, and supporting evidence for those approvals including the certified Final EIR for the Santa Lucia Preserve (1997).

**6. FINDING:** For purposes of the Fish and Game Code, the project will have a potential for adverse impact on fish and wildlife resources upon which the wildlife depends.

**EVIDENCE:** Draft Supplemental Environmental Impact Report, Chapter 11, *Biological Resources*, and Final Supplemental Environmental Impact Report, contained in the project file. The project may result in changes to the

resources listed in Section 753.5(d) of the Department of Fish and Game regulations.

**7. FINDING:** The 295 trees (greater than 6" diameter) estimated for removal represents a reasonable removal ratio under the circumstances of the proposed project and are not considered a significant environmental effect with the mitigation measures proposed.

**EVIDENCE:** 2000 Forest Management Plan, multiple site visits by the project planners, biological resource (habitat) evaluations. As quantified by the Forest Management Plan, the Potrero Area contains approximately 62,660 trees greater than 6" diameter. The project's proposed removal of 295 trees represents 0.5% of the total tree population greater than 6" diameter. As each lot gets developed, each application will have to demonstrate that the minimum number of trees are being removed.

**EVIDENCE:** Mitigation Measures of the DSEIR require avoidance through individual site planning as the primary measure to minimize tree removal. The estimate for tree removal is considered a maximum, to be reduced through the proposed measures.

**EVIDENCE:** Mitigation Measures of the DSEIR require replanting or relocation of all impacted trees greater than 6" diameter.

**EVIDENCE:** Conditions of approval of prior Resolutions adopted for the Santa Lucia Preserve incorporated by reference.

**EVIDENCE:** DSEIR Chapters 3 and 11; FSEIR.

**8. FINDING:** The project includes four (4) locations where road or driveways will cross slopes in excess of 30%. There is no alternative to the proposal in these four locations that would better achieve the goals, policies and objectives of the General Plan and the Carmel Valley Master Plan.

**EVIDENCE:** Although there may be alternatives to road and driveway locations that could feasibly avoid all areas of 30% slope, the road and driveway locations as proposed have fewer impacts (and thus are more consistent with adopted plans and policies) for the following reasons:

- 1) Development of the project's roads and driveways on the proposed alignments over short stretches of slopes over 30% will assist in minimizing driveway length, and therefore minimize grading and total earth disturbance (Project Application, Thompson-Hysell Engineers, 2000).
- 2) Development of road and driveway areas will take advantage of the alignments of existing ranch roads, and therefore will reduce the amount of grading necessary to cut new roads in areas with shallower slope (Project Application, Planner's site visits).
- 3) Proposed road and driveway locations avoid sensitive resource areas such as riparian corridors, watersheds and landmark trees (Project Application, Biological Assessment).

**EVIDENCE:** Site visits by project planner between 2001 and 2003.

**EVIDENCE:** DSEIR Chapters 3 and 11.

**9. FINDING:** That none of the findings found in Section 19.04.025.I of the Monterey County Code Title 19 (Subdivision Ordinance) can be made.

**EVIDENCE:** Section 19.03.025.I requires that the subdivision be denied if any one of the findings is made. Planning staff has analyzed the project against the findings for denial outlined in this section. The map and its design and improvements are consistent with the County General Plan, the Carmel Valley Area Plan, the Greater Monterey Peninsula Area Plan, and the Santa Lucia Preserve Comprehensive Development Plan. The site has been determined to be physically suitable for the type and density of development (see Evidence in Findings 1 and 2). The design and improvements, as conditioned, are not likely to cause substantial environmental damage, substantially and avoidably injure fish or wildlife or their habitat, or cause serious public health problems as demonstrated in the Supplemental Environmental Impact Report prepared for this project (See Evidence in Findings 2, 5 and 6). The design and improvements will not conflict with easements for access through or use of property within the proposed subdivision. Planning staff reviewed the Title Report and applicable recorded documents to identify all easements and ensure that the project does not conflict with existing easements.

**EVIDENCE:** The property provides for adequate building sites, as mitigated, as evidenced by the application materials submitted for the project and subsequent review in the Supplemental Environmental Impact Report. Soils in the sloped areas of the property are geotechnically suitable for residential construction and septic systems. The project has an adequate source of water as identified in approval of the Comprehensive Development Plan and annual reports submitted to the County Environmental Health Division.

**EVIDENCE:** The application, plans, and support materials, including the technical reports submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development and considered in the Supplemental Environmental Impact Report.

**EVIDENCE:** Previously adopted Resolutions for the Santa Lucia Preserve Comprehensive Development Plan (CDP), previously adopted Resolutions for Tentative and Final Maps within the GMPAP portions of the CDP, and supporting evidence for those approvals including the certified Final EIR for the Santa Lucia Preserve (1997).

**EVIDENCE:** See Evidence for Findings 1, 2, 5, 6.

**EVIDENCE:** DSEIR and FSEIR.

**10. FINDING:** The subject property is in compliance with all the rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of Title 21 and any zoning violation abatement costs have been paid.

**EVIDENCE:** Site visit and inspection by Planner, review of county records, and the tentative subdivision map and application materials found in the project file.

**11. FINDING:** That the proposed subdivision will not adversely impact traffic conditions in the area.

**EVIDENCE:** Chapter 13 of the DSEIR. The proposed subdivision has been reviewed by the Monterey County Department of Public Works and there is no indication from that Department that the subdivision will negatively impact traffic in the area. Additionally, the traffic analysis update conducted in the Supplemental Environmental Impact Report determined that the traffic generated by the subdivision is negligible and the impact would be less than significant. All impacts associated with the project were addressed within the Santa Lucia Preserve EIR, and all impacts have been mitigated through construction of physical improvements and/or payment of impact fees.

**EVIDENCE:** The Environmental Impact Reports for both the Potrero Area Subdivision and the Santa Lucia Preserve Comprehensive Development Plan identified a less than significant impact on traffic conditions in the area. The determinations were based on traffic studies that considered current conditions and the anticipated impact of project traffic and cumulative traffic generated by this project and other development within the vicinity. No changes in circumstance that would cause new environmental impacts were identified since certification of the Santa Lucia Preserve EIR.

**EVIDENCE:** DSEIR Chapter 13 and FSEIR.

**12. FINDING:** The source capacity and water quality for all lots proposed to be created through the subdivision meets the requirements of all applicable health and safety regulations.

**EVIDENCE:** The project as described in the application and accompanying materials was reviewed by the Environmental Health Division and the Water Resources Agency and further analyzed in the Supplemental Environmental Impact Report. It was determined that sufficient water resources exist at the site to meet the requirements of all applicable health and safety regulations.

**EVIDENCE:** Condition Compliance Reports for the Santa Lucia Preserve found in County file PC94067.

**EVIDENCE:** Percolation Testing Summary Report Evaluation of Proposed Phase E Lots No. 1-29 for Conventional Septic Disposal Systems, the Potrero Area Subdivision of the Santa Lucia Preserve, Monterey County, CA. Prepared for Rancho San Carlos Partnership, Carmel California, October 24, 2000.

**EVIDENCE:** Comprehensive Hydrological Study for the Santa Lucia Preserve, Hydrological Study for the Potrero Area Subdivision submitted with the project application, independent peer review and validation of hydrological findings conducted as part of the SEIR, all condition

compliance and water usage reports for the Santa Lucia Preserve on file with the County.

**EVIDENCE:** The application, plans, and support materials, found in the project file located at the Monterey County Planning and Building Inspection Department for the proposed subdivision.

**EVIDENCE:** DSEIR Chapters 8 and 16; FSEIR, including but not limited to Responses to letters 6, 8, 12, 14, 15, and Appendices.

**EXHIBIT “C”**  
**RECOMMENDED CONDITIONS OF PROJECT APPROVAL (PRELIMINARY)**

The following recommended conditions of approval are a preliminary list of conditions to be applied to the Potrero Area Subdivision. The conditions of approval will be expanded and/or modified for the Tentative Map review stage of the process and if additional recommendations are identified during the review and hearing process. At this time, only “technical matters” are to be addressed by the Subdivision Committee. The Planning Commission will consider the report of the Subdivision Committee and consistency with the General Plan, Carmel Valley Master Plan, Greater Monterey Peninsula Area Plan, and the Santa Lucia Preserve Comprehensive Development Plan pursuant to Chapter 19.07 of the Subdivision Ordinance.

1. **SPECIFIC USES ONLY.** The subject subdivision of property and Combined Development Permit (File PLN010001), including creation of 29 lots for single family residential development, septic systems, connection to water and utility systems, development on slopes over 30%, removal of up to 295 trees, and improvement of ranch roads for residential development as conditioned, conforms with the plans, policies, requirements and standards of the Monterey County Subdivision Ordinance (Title 19), the General Plan, the Carmel Valley Master Plan, the Greater Monterey Peninsula Area Plan, the Santa Lucia Preserve Comprehensive Development Plan, and the Monterey County Zoning Ordinance (Title 21).

The project is in accordance with County ordinances and land use regulations subject to the following terms and conditions. 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 Planning and Building Inspection. 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. **(Planning and Building Inspection)**

2. **MITIGATION MEASURES OF THE POTRERO AREA SUBDIVISION FINAL EIR.** The applicant shall comply with all project-specific mitigation measures as certified and adopted by the County within the Final EIR, and as specified within the adopted Mitigation Monitoring and Reporting Program. **(Note:** Final Mitigation Measures will be listed as individual conditions following the Preliminary Project Review process).
3. **MITIGATION MEASURES OF THE SANTA LUCIA PRESERVE EIR INCORPORATED BY REFERENCE.** The applicant shall comply with all mitigation measures of the certified Santa Lucia Preserve that apply on a “ranch-wide” basis, inclusive of the Potrero Area and as cited within the Potrero Area Subdivision Final Supplemental EIR. **(Note:** Applicable Mitigation Measures from previous EIR will be listed as individual conditions following the Preliminary Project Review process.)

4. APPLICABLE CONDITIONS OF APPROVAL OF THE SANTA LUCIA PRESERVE. The applicant shall implement (or continue to implement) all applicable conditions of approval of the Santa Lucia Preserve (as specified by Resolutions 93-115; 96-059; 96-060; 96-061; and 97-360) as they apply “ranch-wide” and are therefore inclusive of the Potrero Area Subdivision. **(Note: Conditions of approval that apply ranch wide will be listed individually for the Tentative Map staff reports).**

**Prior to Recordation of the Final Map:**

5. INDEMNIFICATION AGREEMENT. The property owner agrees as a condition and in consideration of the 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. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, or filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the County harmless. **(Planning and Building Inspection)**
6. MAP NOTES – STUDIES. A note shall be included on a separate sheet of the final map, or by separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map, as follows: “Reports have been prepared for this property as listed below, and are on file in the Monterey County Planning and Building Inspection Department, Coastal Office. The recommendations contained in said reports shall be followed in all further development of this property.”
  - Biological Assessment for the Potrero Area Subdivision Santa Lucia Preserve, Monterey County, California, Denise Duffy & Associates, July 2003.
  - Biological Resources Evaluations Peer Review Report, Biotic Resources Group, September 2003.
  - Focused Geotechnical Response to EIR Review Comments, Potrero Area Subdivision, Cleary Consultants, Inc. July 2002.
  - Geotechnical Peer Review Letter, G.E. Weber Geologic Consultant, August 2002.
  - Peer Review of the Hydrologic and Wastewater Studies for the Potrero Area Subdivision, Weber, Hayes & Associates, June 2003.

- Traffic Impact Analysis for the Potrero Area Subdivision of the Santa Lucia Preserve, Dowling Associates, June 2003
- Peer Review of Study for Potrero Area Subdivision-Santa Lucia Preserve, Hexagon Transportation Consultants, Inc., September 2003.

The note shall be located in a conspicuous location, subject to the approval of the County Surveyor. **(Planning and Building Inspection)**

7. PARKS AND RECREATION. Prior to the filing of the Final Map, the applicant shall comply with the Recreation Requirements contained in Section 19.12.010 of the Subdivision Ordinance (Title 19, Monterey County Code). **(Parks Department)**
8. The emergency water system shall be available on-site prior to the completion of road construction, where a community water system is approved, or prior to the completion of building construction, where an individual system is approved. **(Fire District)**
9. WATER SYSTEM PERMITS. The applicant shall obtain a new or amended water system permit from the Division of Environmental Health and Monterey Peninsula Water Management District prior to filing the final map. **(Environmental Health)**
10. WATER SYSTEM INSTALLATION. The developer shall install or bond the water system improvements to and within the subdivision and any appurtenances needed prior to filing the final map. **(Environmental Health)**
11. SEPTIC SYSTEM. Submit an updated map indicating proposed septic envelopes for each of the parcels to the Division of Environmental Health for review and approval prior to filing the final subdivision map. Once approved the septic envelopes shall appear as part of the final subdivision map. **(Environmental Health)**
12. SEPTIC SYSTEM. Prior to filing the final subdivision map for lots 13, 17, 23, 24, and 26, submit a detailed disposal system design to the Director of Environmental Health for review and approval meeting the regulations found in Chapter 15.20 of the Monterey County Code, and Prohibitions of the Basin Plan, RWQCB. A dual system with a diversion valve is required for lots 13, 23, 24 and 26. **(Environmental Health)**
13. SEPTIC SYSTEM. The applicant shall record a deed notification with the Monterey County Recorder for the parcels prior to filing the Final Map indicating that: "An approved septic system design is on file at the Division of Environmental Health, File Number PLN 010001 and any future development or expansions on this property shall be in compliance with the design and Chapter 15.20 of the Monterey County Code unless otherwise approved by the Director of Environmental Health. **(Environmental Health)**
14. EASEMENTS. File subdivision map delineating all existing and required easements or rights-of-way and monument new lines. **(Public Works)**

15. EASEMENTS. Provide for all existing and required easements or rights-of-way. **(Public Works)**
16. COUNTY SURVEYOR'S CHECKLIST. Thirty days prior to expiration date of the tentative map, Step A (9 items) of the County Surveyor's Check Off List for Parcel Map processing shall be completed. **(Public Works)**
17. SLOPE STABILITY ANALYSIS. Slope stability shall be reviewed by a registered geotechnical engineer at each building site that has been identified as underlain by a former landslide, as noted in the "*Geological and Geotechnical Investigation-The Potrero Area Subdivision of the Santa Lucia Preserve-Monterey County, California*", by Cleary Consultants, Los Altos, CA., Aug. 2000. (Page 10 states that approximately 20 of the 26 new parcels in the Potrero Area Subdivision are located on five old landslides). Any specific recommendations regarding slope stability shall be included in the grading and drainage plans for each lot, particularly as the engineering recommendation may relate to the county-required subsurface dispersal of impervious surface stormwater runoff. **(Water Resources Agency)**

**Prior to Issuance of Grading and Building Permits or Recordation of the Final Map, whichever occurs first**

18. Improvement Plans shall be submitted that show the following: the roadway surface shall provide unobstructed access to conventional drive vehicles, including sedans and fire engines. Surfaces should be established in conformance with local ordinances, and be capable of supporting the imposed load of fire apparatus. (Fire District)
19. Improvement Plans shall be submitted that show the following: the grade for all roads, streets, private lanes and driveways shall not exceed 15 percent except as approved by the Fire Chief. (Fire District)
20. Improvement Plans shall be submitted that show the following: no roadway turn shall have a horizontal inside radius of less than 50 feet. A roadway turn radius of 50 to 100 feet is required to have an additional 4 feet of roadway surface. A roadway turn radius of 100 to 200 feet is required to have an additional 2 feet of roadway surface. (Fire District)
21. Improvement Plans shall be submitted that show the following: fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches. (Fire District)
22. NOTICE – PERMIT APPROVAL The applicant shall record a notice that states: "A permit (Resolution \_\_\_\_\_) was approved by the Planning Commission on \_\_\_ for Assessor's Parcel Numbers 239-102-001-000; 239-102-002-000; 239-102-003-000; and 239-101-032-000. The permit was granted subject to [xx] conditions of approval,

which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department.” Alternatively, this note shall be included on a separate sheet of the parcel map, or by separate document that shall indicate its relationship to the parcel map, recorded simultaneously with the parcel map. Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits, recording of the parcel map, or commencement of the use. **(Planning and Building Inspection)**

23. WATER SYSTEM DESIGN. Design the water system improvements to meet the standards as found in Chapter 15.04 of the Monterey County Code, Titles 17 and 22 of the California Code of Regulations and as found in the Residential Subdivision Water Supply Standards. Submit engineered plans for the water system improvements, including plans for secondary treatment, and any associated fees to the Director of Environmental Health for review and approval prior to installing (or bonding) the improvements. **(Environmental Health)**
24. WATER SYSTEM DESIGN. Design the water system improvements to meet fire flow standards as required and approved by the local fire protection agency. Submit evidence to the Division of Environmental Health that the proposed water system improvements have been approved by the local fire protection agency prior to installation or bonding of water system improvements. **(Environmental Health)**
25. DETENTION POND(S). Stormwater detention/sediment retention pond(s) shall be constructed wherever possible at locations recommended by Thompson-Hysell Engineers, to mitigate stormwater flows and sediment discharge into Potrero Creek and toward off-site properties at the lower end of the watershed. Ponds shall be constructed in accordance with plans by a registered civil engineer and the recommendations in the Thompson-Hysell Engineers “*Preliminary Drainage and Erosion Control Report, Potrero Canyon Area, June 2000*”. **(Water Resources Agency)**

**EXHIBIT “D”**  
**Subdivider’s Statement**

The following information is provided from the Preliminary Project Review/Vesting Tentative Map (April 2001) as submitted with the project application:

*A. Existing Zoning and Proposed Uses of the Land*

Existing zoning is RG/10-D-S and RC/40-D-S. Existing zoning and proposed land uses are described in detail in the accompanying Combined Development Permit application.

*B. Measures Proposed Regarding Erosion Control*

Erosion control to be in accordance with requirements of Monterey County Erosion Control Ordinance No. 2806. See the drainage/Erosion Control Report, the Resource Management Plan and the Mitigation Monitoring Plan submitted as part of this application.

*C. Proposed Source of Water Supply and Name of Water System, Method of Sewage Disposal and the Name of the Sewage Utility System, if sewerred:*

Water: Domestic and fire flow water shall be supplied by the Santa Lucia Preserve County Service Area (to be formed).

Sewer: The residential lots shall be sewerred by individual septic tanks and leach field systems. For additional information refer to the Wastewater disposal plan submitted as part of this application.

*D. Indicate Type of Tree Planting or Removal Proposed*

Refer to the Forest Management Plan submitted as part of this application for details of proposed tree removal and planting areas.

*E. Proposed Public Areas to be Dedicated and Common Area or Scenic Easements Proposed. If Common Areas Are Proposed Method of Maintenance shall be Stated.*

There are no common areas. Open space parcels shall be owned in fee by the Conservancy. There are no public areas proposed for dedication. Conservation easements on private parcels shall be held and maintained by the Conservancy. Refer to the Comprehensive Development Plan submitted as part of this application.

*F. Proposed Height of Structures*

The maximum height of any proposed structures shall not exceed that allowed by applicable Monterey County zoning. Special zoning height limits are proposed for certain residential lots (see combined development permit application).

*G. Proposed Type of Development of Lots or Unit and Whether They Are For Sale as Lots or Fully Developed Units.*

All single-family lots shall be sold as lots. This is a phased subdivision as shown on the Vesting Tentative Map. Multiple final maps are possible. Phases may be constructed out of order; however, all infrastructure facilities will be constructed as required.